The City Council of the City of Raleigh met in regular session on Tuesday, March 5, 1985, at 1:00 p.m. in the City Council Chamber of the Municipal Building 222 with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend Jayne Pomer, Christian Science Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***ARTSPLOSURE AWARD - COMMENDATION - PRESENTED

Mayor Upchurch called on Jane Teague, Executive Director, Carol Nelson, Chairman of the Board of Directors, Craig Dalton, Jr. and Pearl Wilson Smith, members of the Board of ArtsPlosure. He read a resolution of appreciation and gratitude to ArtsPlosure, commending them for the award they received recently from the Raleigh Public Relations Committee. He commended ArtsPlosure for the work they have done in the past, pointing out everyone is looking forward to it growing each year.

***CAPITOL BROADCASTING COMPANY, INC. - PRESENTATION OF FRAMED MAPS - RECEIVED

Nick Pond and Harriet Bartnick, representing Capitol Broadcasting Company, Inc., were at the meeting pointing out on July 11, 1984, the Mayor presented a rendering of a map of the City of Raleigh to the visiting delegation from England in connection with the 400th Anniversary. He indicated Capitol Broadcasting has had these renderings reproduced and presented a framed copy to each Councilperson. Mayor Upchurch expressed appreciation to Capitol Broadcasting Company.

***CHRISTMAS BOX PROGRAM - CAPITAL AREA FOOD COALITION - CERTIFICATES OF APPRECIATION PRESENTED

Mayor Upchurch presented Certificates of Appreciation to the U. S. Army Reservists from the 805th Military Police Company and the 4/17th Field Artillery for their work with the packing and delivery of gift boxes of food during the Christmas Food Basket Project. Representatives from the VISTA Program, who assisted in this project, were also present. The certificates of appreciation were received by Lieutenant Al Clyburn, of the 805th Military Police Company.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Ms. Block requested that the item relating to the evaluation of Health Maintenance Organization Concept and the Change Order G-1 - Neuse River Wastewater Treatment Plant be withdrawn. Mr. Calloway moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***ROAD RACE - RUN FOR THE OAKS - APPROVED WITH CONDITIONS

A request has been received for a road race to be held on Saturday, June 22, 1985, between 9:00 and 10:00 a.m. The planned route is to start at the Holiday Inn on North Boulevard, to Highwood Boulevard, to Atlantic Avenue, to Ingram Drive, and return to the Holiday Inn on North Boulevard by the same route. The race is planned for the purpose of raising money to plant oak trees in the City of Raleigh.

Recommendation: Administration recommends approval of this race being held on City streets subject to the sponsors providing any necessary signs and barricades and providing they also employ off-duty police officers and one supervisor for traffic control. Consent Agenda approval: Calloway/Cates - 8 ayes.

***AUTO DECAL REPLACEMENT - ORDINANCE ADOPTED

The process for replacing a damaged auto decal was discussed at the previous Council Meeting. An ordinance modification is needed to provide the opportunity to replace decals when properly justified. Section 2-2071 of the City Code should be amended as follows:

Section 2-2071

(b) The cost of the license shall be five dollars ($5.00). Duplicate license in the event of loss or destruction of the original shall be issued upon the payment of five dollars ($5.00) except that if proof of such loss or destruction is provided the Revenue Collector, a duplicate of such license may be issued without additional cost. Proof of loss or destruction is not satisfied only by the presentation of a receipt of purchase.

It is essential that proof of loss or destruction be included in the Code language.

Recommendation: That the Code change be approved. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. 1985-504

AN ORDINANCE TO AMEND THE CITY CODE AS IT RELATES TO THE MOTOR VEHICLE LICENSE REQUIRED AND REPLACEMENT THEREOF

Section 1. That Section 2-2071(b) be deleted and rewritten to read as follows:

"(b) The cost of the license shall be five dollars ($5.00). Duplicate license in the event of loss or destruction of the original shall be issued upon the payment of five dollars ($5.00) except that if proof of such loss of destruction is provided the Revenue Collector, a duplicate of such license may be issued without additional cost. Proof of loss or destruction is not satisfied only by the presentation of a receipt of purchase."

Section 2. That this ordinance shall become effective upon adoption.

Adopted. 3/5/85

***PARKING FACILITIES BOND SALE - RESOLUTION ADOPTED

The legal procedures are being followed to allow the $4,190,000 bond sale under the 2/3 net debt reduction provisions. The next step is the adoption of a resolution setting forth the terms of the bond sales and a copy of the proposed resolution was

$200,000 in the year 1992,
$215,000 in the year 1993,
$235,000 in the year 1994,
$255,000 in the year 1995,
$275,000 in the year 1996,
$300,000 in the year 1997,
$325,000 in the year 1998,
$355,000 in the year 1999,
$385,000 in the year 2000,
$415,000 in the year 2001, and
$315,000 in the year 2002

2. The bonds shall be dated April 1, 1985 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable semi-annually on April 1 and October 1.

3. The bonds shall be registered as to principal and interest, and shall bear the facsimile signatures of the Mayor and the City Clerk. A facsimile of the corporate seal of the Issuer shall be imprinted upon each of the bonds.

4. Interest on the bonds shall be paid by check by Wachovia Bank and Trust Company, N.A., Winston-Salem, North Carolina, as disbursement agent, and mailed to the registered owner of record as of 15 days prior to the interest payment date at his address as it appears on the bond registry books of Wachovia Bank and Trust Company, N.A., as registrar and transfer agent. Principal of the bonds shall be paid by check by Wachovia Bank and Trust Company, N.A., upon presentation of the bonds for payment.

5. The bonds maturing on and after April 1, 1996 shall be subject to redemption prior to their stated maturities at the option of the Issuer on or after April 1, 1995, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (1/2 of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. In less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot. If less than all of the bonds of different maturities are called for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the principal amount of a single bond is to be redeemed, the Issuer shall exchange a bond of the denomination representing the portion of the bond not redeemed

to the registered owner in exchange for the bond a portion of which is to be redeemed. Whenever the Issuer shall elect to redeem bonds, notice of such redemption of bonds, stating the redemption date, redemption price and identifying the bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable upon each bond or portions thereof so to be redeemed, the principal thereof, redemption premium and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given by publication at least once in a newspaper of general circulation in the City of Raleigh, North Carolina and at least once in a daily newspaper of general circulation or a financial journal distributed in the Borough of Manhattan, City and State of New York not less than 30 days prior to the redemption date fixed in said notice. Such notice shall be given not less than 30 days nor more than 60 days prior to the redemption date in writing to the registered owners, by pre-paid first class mail, at their addresses as such addresses appear on the records of Wachovia Bank and Trust Company, N.A., as bond registrar, but any failure in respect of such mailing will not affect the validity of the redemption.

6. The bonds and the provisions for the registration of the bonds, for the approval of the bonds by the Secretary of the Local Government Commission and for authentication of the bonds by Wachovia Bank and Trust Company, N.A., as transfer agent and registrar, to be endorsed thereon shall be in substantially the following form:

(Form of Bond)

NO. R- $_____

UNITED STATE OF AMERICA
STATE OF NORTH CAROLINA
CITY OF RALEIGH

INTEREST RATE	MATURITY	DATE OF ORIGINAL ISSUE APRIL 1, 1985	CUSIP

REGISTERED OWNER:

PRINCIPAL SUM: DOLLARS

PARKING FACILITIES BOND

The City of Raleigh (hereinafter referred to as "City"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on that date specified above, upon surrender hereof, the principal sum shown above and to pay to the registered owner hereof interest thereon from the date of this bond until it shall mature at the rate per annum specified above, payable semi-annually on April 1 and October 1 of each year. Principal of this bond is payable by check by Wachovia Bank and Trust Company, N.C., in Winston-Salem, North Carolina, as disbursement agent, or by the duly appointed alternate or successor disbursement agent (the "Disbursement Agent"), in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts. Interest on this bond is payable by check by the Disbursement Agent and mailed to the registered owner hereof at his address as it appears on the bond registry books of Wachovia Bank and Trust Company, N.A., as transfer agent and bond registrar (the "Transfer Agent"), at the close of business on the fifteenth calendar day next preceding each semi-annual interest payment date.

This bond is transferable by the registered owner hereof or his duly authorized attorney at the principal office of the Transfer Agent, upon surrender of this bond, accompanied by a duly executed instrument of transfer in form and with guaranty of signature satisfactory to the Transfer Agent, and upon payment of any taxes or other governmental charges incident to such transfer. Upon any such transfer a new registered bond without coupons of the same maturity and in the same aggregate principal amount will be issued to the transferee. The person in whose name this bond is registered shall be deemed the owner hereof for all purposes, and the City and the Transfer Agent shall not be affected by any notice to the contrary.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, pursuant to Subchapter IV of The Local Government Finance Act and a bond order adopted by the City Council of the City on January 15, 1985, to pay capital costs of providing parking facilities.

The bonds maturing on and after April 1, 1996 shall be subject to redemption prior to their stated maturities at the option of the City on or after April 1, 1995, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrue interest thereon to the redemption date plus a redemption premium of one-half of one percent (1/2 of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent of

such principal amount. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot. If less than all of the bonds of different maturities are called for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the principal amount of a single bond is to be redeemed, the City shall exchange a bond of the denomination representing the portion of the bond not redeemed to the registered owner in exchange for the bond, a portion of which is to be redeemed. Whenever the City shall elect to redeem bonds, notice of such redemption of bonds, stating the redemption date, redemption price and identifying the bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable upon each bond or portions thereof so to be redeemed, the principal thereof, redemption premium and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given by publication at least once in a newspaper of general circulation in the City of Raleigh, North Carolina and at least once in a daily newspaper of general circulation or a financial journal distributed in the Borough of Manhattan, City and State of New York not less than 30 days prior to the redemption date fixed in said notice. Such notice shall be given not less than 30 days nor more than 60 days prior to the redemption date in writing to the registered owners, by pre-paid first class mail, at their addresses as such addresses appear on the records of Wachovia Bank and Trust Company, N.A., as bond registrar, but any failure in respect of such mailing will not affect the validity of the redemption.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City, is within every debt and other limited prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged t the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose until the certifications hereon shall be been signed by authorized representatives of the Local Government Commission of North Carolina and Wachovia Bank and Trust Company, N.C.

IN WITNESS WHEREOF, the City has caused this bond to bear the facsimiles of the signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City to be imprinted hereon and this bond to be dated April 1, 1985.

(SEAL)

(facsimile signature)
City Clerk

(facsimile signature)
Mayor

Transfer AGent's Certificate of Authentication

This bond is one of the bonds of the issue designated herein and issued under the within-mentioned bond order.

WACHOVIA BAND AND TRUST COMPANY, N.A.

BY: _____
Authorized Signatory

Date of Authentication _____

The issue hereof has been approved under the provisions of The Local Government Bond Act.

(facsimile signature)
JOHN D. FOUST
Secretary of the Local Government Commission

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ___

_____,
the within Bond and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

_____

7. Actions taken by officials of the Issuer to select disbursement and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

8. The Local Government Commission of North Carolina is hereby requested to sell said bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

9. The Mayor and the City Clerk of the Issuer are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to Wachovia Bank and Trust Company, N.A., for delivery to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

10. The Official Statement dated February 22, 1985 setting forth financial and statistical date in connection with the offering of said bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the City Council of the Issuer has examined copies of the Official Statement and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the administration of the Issuer. The City Council of the Issuer does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. The Mayor, the City Manager and the Finance Director of the Issuer are hereby authorized and directed to execute the Official Statement.

***SOUTHERN BELL TELEPHONE COMPANY - EASEMENT CONVEYANCE - APPROVED

A request has been received from Southern Bell to provide an easement on a residual parcel owned by the City for the purpose of installing a service cabinet.

The location is on the east side of Barwell Road and as shown on maps included in the Agenda packet. More specifically, the location is in the northeast corner of Barwell Road and Barrington Drive. It would be an area of 10 feet by 10 feet square and would be used for the purpose only of installing an 80-type community service cabinet to augment an existing, smaller unit at the same location.

Recommendation: That a utility easement be given to Southern Bell Telephone Company for the 10 foot-square area as shown on the specified maps and for the specified purpose only. Consent Agenda approval: Calloway/Cates - 8 ayes.

***ATLANTIC AVENUE - PROPERTY DISPOSAL - APPROVED

As a part of the negotiated purchase of an area required for the Atlantic Avenue project, it has been proposed and agreed to by the property owner, Marvin Koonce, that as part of the consideration for conveyance of the necessary right-of-way to the City, he would receive compensation, plus a narrow strip of City-owned land of 11,325 square feet. A map was included in the Agenda packet. This land is the residual of land which the City has owned for the extension of Atlantic Avenue and will not be needed.

Recommendation: That the Council approve the conveyance of the 11,325 square foot area as part of the compensation and exchange for right-of-way needed for the Atlantic Avenue project. Consent Agenda approval: Calloway/Cates - 8 ayes.

***ENCROACHMENT - SOUTHERN RAILROAD - AGREEMENT AUTHORIZED

It is necessary to obtain an encroachment agreement from Southern Railway System to allow the installation of a sanitary sewer line under the tracks. This specific project is for a sewer main crossing east of New Bern Avenue and serving Raleigh Commerce Park.

A copy of the proposed encroachment was included in the Agenda packet. All work will be performed by the developer and will not involve City funds.

Recommendation: That the encroachment agreement be approved for execution by the City. Consent Agenda approval: Calloway/Cates - 8 ayes.

RESOLUTION (1985) - 743A

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF RALEIGH TO SIGN RAILROAD AGREEMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Mayor of the City of Raleigh be and is hereby authorized to execute the railroad agreement between the City of Raleigh and Carolina and Northwestern Railway Company concerning construction and maintenance of an eight inch sewer pipeline crossing upon right of way or property at Milepost 227.

Section 2. That this resolution shall become effective upon its adoption.

Adopted: 3/5/85

***COMMUNITY DEVELOPMENT - RENTAL REHABILITATION LOANS - APPROVED

The following rental rehabilitation loans have been reviewed and are submitted for Council approval:

Stafford Bullock
819 East Lenoir Street
Loan Amount $4,500.00

Charles Holland
714-720 South Bloodworth Street
612 Dorothea Drive
Loan Amount $18,300.00

These projects are oriented toward encouraging landlords to improve rental property.

Recommendation: That the Council approve the rental rehabilitation loans as proposed. Consent Agenda approval: Calloway/Cates - 8 ayes.

***NEW HOPE CHURCH ROAD/BRIDGE PROJECT - CONSULTANT SERVICE - CONTRACT WITH BIGGER AND AGNEW APPROVED - FUNDS APPROPRIATED

The Council has previously approved retention of the firm of Bigger and Agnew to provide design services for the New Hope Church Road and bridge project. This was subject to Administration being able to negotiate an acceptable design agreement. A tentative agreement has been negotiated which provides for a fixed fee of $81,980.

Recommendation: That an agreement be approved with Bigger and Agnew for a fixed fee of $81,980 to provide design services for the New Hope Church Road and bridge project and that the following transfer of funds be approved:

Transferred From:		
32-2-3020-0100	New Hope Church Road	$81,980.00
Transferred To:		
32-2-3020-0102	New Hope Church Road "B"	$81,980.00

Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***STORM WATER MANAGEMENT STUDY - CONTRACT WITH WILBUR SMITH AND ASSOCIATES - APPROVED - FUNDS APPROPRIATED

The Council has previously approved the retention of the firm of Wilbur Smith and Associates for this project subject to the contract being negotiated. An agreement has been reached for a fixed fee of $80,616.

Recommendation: That an agreement be approved with Wilbur Smith and Associates for a fixed fee of $80,616. The Agenda outlined a transfer from City Council Contingency to the Storm Water Management Study Account. Consent Agenda approval: Calloway/Cates - 8 ayes.

Ms. Cates, during approval of the Consent Agenda, indicated she wanted to make sure that we get this study done before the Perry Creek area develops.

***TAXICAB OWNER'S PERMITS APPROVED ON SECOND AND FINAL READING

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. The applications were approved on the first reading during the February 19, 1985, Council Meeting. It would be appropriate for the Council to approve these on a second and final consideration.

Lloyd Reginald Campbell, Holiday Cab Company (Renewal of Individual Owner's Permit)

Richard Lee Trusdale, Associated Cab Company (Renewal of Individual Owner's Permit)

Consent Agenda approval: Calloway/Cates - 8 ayes.

***TAXICAB OWNER'S PERMITS - APPROVED ON FIRST READING TO BE PLACED ON 3/19/85 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the March 19, 1985, Agenda for second and final consideration.

Michael Howard Palmer, Ebony Cab Company (New Individual Owner's Permit)

Noah William Monk, Ebony Cab Company (New Individual Owner's Permit)

Consent Agenda approval: Calloway/Cates - 8 ayes.

***BUDGET AMENDMENTS - HUMAN RESOURCES AND PARKS AND RECREATION - ORDINANCE ADOPTED

The Agenda presented a budget amendment in the Human Resources Department in the amount of $663 to increase the RSVP budget by the amount of private funds received to cover volunteer travel. Another amendment in the Human Resources Department in the amount of $1,000 to increase the HUD - Fair Housing Budget by the amount of increased case reimbursement to cover the cost of HUD sponsored training was also presented. A budget amendment in the amount of $1,000 in the Parks and Recreation Department to provide increased revenue and expenditure projections generated by adding fishing tournaments to program was presented.

Administration recommends approval of the budget amendment as presented. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 505

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows for Contract Change Order - Civic Center Lower Lobby Addition, McDevitt & Street, #G-3:

Revenue:	40-1-0070-0200	Misc. Income	$ 8,104.00
Expense:	40-2-1516-0101	Civic Center HG Passage	8,104.00

Section 2. That the 1984/1985 Budget be amended as follows for Contract Change Order - Civic Center Lower Lobby Addition, McDevitt & Street, G-4:

Revenue:	40-1-0070-0200	Misc. Income	$16,870.00
Expense:	40-2-1516-0101	Civic Center HG Passage	16,870.00

Section 3. That the 1984/1985 Budget be amended as follows to provide increased revenue and expenditure projections generated by adding fishing tournaments to program:

Revenue:	18-1-0070-0203	Lake Wheeler	$ 1,000.00
Expense:	18-2-0400-0298	Tournament Prizes	1,000.00

Section 4. That the Budget be amended as follows to increase the HUD-Fair Housing budget by the amount of increased case reimbursements to cover the cost of HUD sponsored training:

Revenue:	02-1-2020-0100	HUD-Fair Housing	$ 1,000.00
Expense:	02-2-2020-0231	Travel	1,000.00

Section 5. That the Budget be amended as follows to increase the Retired Senior Volunteer Program budget by the amount of private funds received to cover volunteer travel:

Revenue:	02-1-4390-01-3	Contributions-RSVP	$ 663.00
Expense:	02-1-4390-0268	Volunteer Travel	663.00

Section 6. That the Budget be amended as follows to cover items recommended to be transferred to Phase I construction which were originally scheduled during Phase II:

Revenue	40-1-0070-0200	Misc. Income	$16,870.00
Expense:	40-2-1516-0101	Civic Center HG Passage	16,870.00

Section 7. That the Budget be amended as follows to cover relocation of fire main which conflicts with construction:

Revenue:	40-1-0070-0200	Misc. Income	$ 8,104.00
Expense:	40-2-1516-0101	Civic Center HG Passage	8,104.00

Adopted: 3/5/85

***REIMBURSEMENT CONTRACTS - VARIOUS - APPROVED

The following reimbursable contracts have been prepared for Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department.

North Hills, Inc.
Spring Forest Road (oversized street) and other streets in North Raleigh Villas Estates Development
$21,082.84

Eastman Development Company
16-inch water main - Perry Creek Road
Water Area 16, Number 4 (acreage fees)
$59,835.19

Robert S. Collins, Travianna Subdivision
Spring Forest Road, Quail Ridge Drive
$16,330.52

Oversized 8-inch water main
$2,516.80

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Calloway/Cates - 8 ayes.

***CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of the Civic Center for the Golden Years Spring Banquet on April 10, 1985, and the Christmas Banquet on December 10 (rehearsal) and December 11, 1985. Both banquets will be at 12:00 noon. Consent Agenda approval: Calloway/Cates - 8 ayes.

***ATLANTIC AVENUE PROJECT - GEORGE W. AND MARGARET H. ADAMS - RESOLUTION OF CONDEMNATION ADOPTED

Efforts have been unsuccessful to obtain needed right-of-way, therefore, we are recommending that a resolution of condemnation be authorized.

Name: George W. Adams & Wife, Margaret H. Adams

Site Location: 6205 Litchford Road

Project Name: Extension of Atlantic Avenue between Millbrook Road and Spring Forest Road.

Consent Agenda approval: Calloway/Cates - 8 ayes. See Resolution 731.

RESOLUTION (1985) - 731

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF GEORGE W. ADAMS AND MARGARET H. ADAMS.

WHEREAS, the City Council of the City of Raleigh hereby determines that it is necessary and in the public interest to acquire certain property owned by George W. Adams and Margaret H. Adams for the following public purpose:

> To promote the public safety and welfare, to provide means of convenient transportation for the general public, to facilitate the orderly flow of traffic throughout the City, and to provide and improve means of public passage, specifically, to extend Atlantic Avenue between Millbrook Road and Spring Forest Road.

WHEREAS, the proper officials or representatives of the City have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL THAT:

1. The City shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

> an easement for public street purposes including other customary uses of street right-of-way such as public utility, sidewalk, storm water drainage, cable television transmission, and related uses in and over the property of George and margaret Adams as shown on a map recorded in map Book 1984, page 1510, Wake County Registry.

2. The attorneys representing the City are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: March 5, 1985

Effective: March 5, 1985

***NEUSE RIVER RAW WATER PUMP STATION - CHANGE ORDER-2 - APPROVED - FUNDS APPROPRIATED

Change Order-2 Vickers Construction Company Relating to the Neuse River Raw Water Pump Station was presented. It is an addition of $45,209.56. The Agenda outlined the need for the change order and the budget accounts that would need to be amended if the change order is approved.

Recommendation: Administration recommends approval of the change order and the transfers as outlined. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER E-4 - APPROVED - FUNDS APPROPRIATED

Change Order E-4 - Bryant Durham Electric Company Inc., relating to E. M. Johnson Water Plant Expansion was presented. The change order is an addition of $4,155. The Agenda outlined the need for the change order and the budget accounts that need to be amended if the change order is approved.

Recommendation: Administration recommends approval of the change order and transfers. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***CIVIC CENTER LOWER LOBBY ADDITION - CHANGE ORDERS G-3 AND G-4 APPROVED - FUNDS APPROPRIATED

The Agenda presented change order G-3 - McDevitt and Street relating to the Civic Center lower lobby addition. This change order is an addition of $8,004. Change order G-4 relating to the same project and contractor was presented. This change order is an addition of $16,870. The Agenda listed the need for the change order and budget accounts that would need to be amended if the change orders are approved.

Recommendation: Administration recommends approval of the change orders and transfers as outlined. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***GREEN ROAD COMMUNITY CENTER - CHANGE ORDER PC-1, GC-1 AND GC-2 - APPROVED - FUNDS APPROPRIATED

The Agenda presented the following change orders relating to Green Road Community Center: PC-1 - Triangle Mechanical Contractors - deduction of $50.00; GC-1 - LDA, Inc. - deduction of $15,293.00; GC-2 - LDA, Inc. - addition of $626.00. The Agenda outlined the reason for the change orders and the budget accounts that should be amended if the change orders are approved.

Recommendation: Administration recommends approval of the three change orders and transfers as outlined on the Agenda. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS UPHELD

Council Members received in their Agenda packet a list of Administrative transfers which have been approved by the City Manager according to Council procedure.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

FROM	TO	AMOUNT
01-2-2000-0237	01-2-2000-0226	$175.00
01-2-1090-0260	01-2-1090-0704	$422.00
01-2-4130-0225	01-2-4130-0257	$950.00
19-2-8060-0534	19-2-8060-0260	$600.00
02-2-4390-0231		
02-2-4390-0226	02-2-4390-0228	$150.00
18-2-0800-0225	18-2-0800-0101	$625.00
01-2-1230-0281	01-2-1230-0287	$625.00
01-2-6010-0668	01-2-6010-0734	$246.00

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the offices of the City Clerk, Parks and Recreation Department, Public Utilities, Public Works and Transportation Departments. The Agenda outlined the code accounts that should be amended and the need for the transfers.

Recommendation: Administration recommends approval of the transfers as listed on the Agenda. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 506 TF 17

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From:	32-2-3020-0100	New Hope Church Rd.	$81,980.00
To:	32-2-3020-0102	New Hope CHurch Road "B"	81,980.00
Purpose:	To set up funds for consulting engineering fee (PW 1985-5).		
From:	01-2-1040-0001	Contingency	$ 5,616.00
To:	01-2-1040-0305	Storm Water Management Study	5,616.00
Purpose:	To set up funds for consulting engineering fee (PW 1985-6).		
From:	01-2-1040-0001	Contingency	$ 1,750.00
To:	01-2-1040-0287	Insurance Consultant Serv.	1,750.00
Purpose:	To provide additional funding for the City's Insurance consultants, Hutchison & Associates, Inc., to examine the feasibility of health maintenance organizations for the City.		
From:	81-2-1081-0101	NRWWTP Phase II Gen. Const.	$35,000.00
To:	81-2-1081-0000	NRWWTP Phase II Contingency	35,000.00
Purpose:	Change Order - NRWWTP - Phase II, Crain & Denbo, G-1.		
From:	84-2-1060-0000	EMJ Plant Expansion	$45,209.56
To:	84-2-1640-0101	Raw Water Pump - General	45,209.56
Purpose:	Change Order - NRW Pump Station - Vickers Construction Company, No. 2.		
From:	84-2-1060-0000	EMJ Plant Expansion	$ 4,155.00
To:	84-2-1060-0201	EMJ Electrical	4,155.00
Purpose:	CHange Order - EMJ Expansion - Bryant-Durham Electric Co., Inc. - E-4.		
From:	01-2-1040-0001	Contingency	$25,650.00
To:	01-2-1200-0100	Salaries	14,650.00
	01-2-1200-0705	Furniture	4,500.00
	01-2-1200-0230	M&O	6,500.00
Purpose:	To fund new project management section.		
From:	38-2-3040-0105	Green Rd. Plumbing	$ 50.00
To:	38-2-3040-0100	Green Road	50.00
Purpose:	CHange Order - Green Road Community Center - Triangle Mech. Contractor, INc. - PC-1.		
From:	38-2-3040-0101	Green Road A	$15,293.00
To:	38-2-3040-0100	Green Road	15,293.00
Purpose:	Change Order - Green Rd. Community Center - LDA, Inc. GC1.		
From:	38-2-3040-0100	Green Road A	$ 626.00
To:	38-2-3040-0101	Green Road	626.00
Purpose:	Green Rd. Com. Ctr. - LDA, Inc. - GC2.		
From:	01-2-1040-0001	Contingency	$ 2,057.00
To:	01-2-1040-0289	City Codes	2,057.00
Purpose:	To cover cost of 500 additional copies of Chapter 10.		
From:	01-2-6030-0708	Tractor Mower	$ 1,000.00
To:	01-2-6050-0604	Rotovator	1,000.00
Purpose:	Purchase of required equipment that exceeded budgeted amounts.		
From:	01-2-6030-0708	Tractor Mower	$ 1,000.00
To:	01-2-6050-0605	Truck Dump 2 Ton	1,000.00
Purpose:	Same as above.		
From:	84-2-1110-0000	Water Trans. Main	$ 2,665.24
To:	84-2-1110-0102	WTM Engineering	2,665.24
Purpose:	Final payment to engineer for design, testing, and inspection of water transmission main.		
From:	01-2-5020-0609	Asphalt Roller	$ 2,500.00
To:	01-2-5020-0218	Gas & Oil Sve	2,500.00
Purpose:	Funds through June, 1985.		

From:	01-2-1230-0281	Street Lighting	$ 2,000.00
To:	01-2-1230-0219	Light & Power	2,000.00

Purpose: To cover electric bills through 6/30 for Traffic Engineering Field Services Building.

From:	32-2-1000-0100	Council Reserve	$ 2,305.80
To:	32-2-4486-0100	PW 1984-85 Resurfacing	2,305.80

Purpose: Funds to award low bid for resurfacing contract.

From:	01-2-1040-0001	Contingency	$ 7,500.00
To:	01-2-3020-0270	Dog Tag Fees	7,500.00

Purpose: Additional funds to pay vet. hospitals for selling tags.

Adopted: 3/8/85

***BID REQUEST 84-52 - VACUUM STREET SWEEPER - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 21, 1985 for a vacuum street sweeper with results as follows: North Carolina Equipment Company - $66,874; Sanco Corporation - $71,864; Public Works Equipment and Supply Incorporated - $72,490.

Recommendation: The low bid submitted by North Carolina Equipment be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

***BID REQUEST 84-53 - MECHANICAL STREET SWEEPER - BID AWARDED TO A. E. FINLEY AND ASSOCIATES, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 21, 1985 for a mechanical street sweeper with results as follows: A. E. Finley and Associates, Inc. - $52,729; A. E. Finley and Associates, Inc. - $59,601; Sanco Corporation - $71,580.

Recommendation: Administration recommends awarding the low bid to A. E. Finley and Associates, Inc. Consent Agenda approval: Calloway/Cates - 8 ayes.

***BID REQUEST 84-55 - FORKLIFT TRUCK - BID AWARDED TO NORTH CAROLINA EQUIPMENT COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 21, 1985 for a forklift truck with results as follows: North Carolina Equipment Company - $15,490; Dillon Supply Company - $15,624; Gregory Poole Equipment Company, Inc. - $18,180.

Recommendation: Administration recommends awarding the low bid to North Carolina Equipment Company. Consent Agenda approval: Calloway/Cates - 8 ayes.

***BID REQUEST 84-56 - FIRE HOSE - BID AWARDED TO ZIMMERMAN-EVANS INCORPORATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 21, 1985 for different size and footage of fire hose with results as follows: Zimmerman-Evans, Inc. - $10,731; Equipment Associates - $10,830.05.

Recommendation: Administration recommends awarding the low bid of Zimmerman-Evans, Inc. Consent Agenda approval: Calloway/Cates - 8 ayes.

***BID REQUEST 84-57 - AIR PACKS AND CYLINDERS - BID AWARDED TO ZIMMERMAN-EVANS, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 21, 1985 for air packs and cylinders with results as follows: Zimmerman-Evans, Inc. - $14,661.50; Gastonia Fire Extinguisher Company - $15,239; Jones Safety Supply, Inc. - $15,750.

Recommendation: Administration recommends the low bid of Zimmerman-Evans, Inc. be awarded. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PW-1985-2 - RESURFACE CITY SYSTEM STREETS - BID AWARDED TO REA CONSTRUCTION COMPANY - FUNDS APPROPRIATED

The following companies have submitted bids for the resurfacing of City streets:

REA Construction Company	$502,305.80
C. C. Mangum Company	$572,376.70
Gelder	$583,379.48

Recommendation: It is recommended that REA Construction Company be awarded the contract in the amount of $502,305.80. Council has previously established a budget for resurfacing City streets; however, the following transfer of funds are needed to complete this project:

From:		
32-2-1000-0100	Council Reserve	$2,305.80
To:		
32-2-4486-0100	PW 1984-85 Resurfacing	$2,305.80

Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 506TF17.

***PU-1985-8 - EVERGREEN AVENUE - RESOLUTION OF INTENT ADOPTED

Administration recommends that approximately 850 feet of sanitary sewer main be installed in Evergreen Avenue off Lake Wheeler Road from existing main to dead end. The estimated cost is $22,000.00 and the project would be assessment on a per lot basis.

Recommendation: It is recommended that Council adopted a resolution of intent to schedule a public hearing for April 2, 1985. Calloway/Cates - 8 ayes.

RESOLUTION NO. 1985-732

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sanitary sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sanitary sewer mains located and described as follows:

PU 1985-8: Installation of approximately 850 feet of eight-inch sanitary sewer main in Evergreen Avenue off Lake Wheeler Road from existing main to dead end.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 2nd day of April, 1985, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 3/5/85

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to loading zone extension on Davie Street, no parking zone on Gaston Street, Glen Eden Drive and Price Street, as well as yield sign installations on Deboy Street at the exit ramp of the Beltline and Emerson Drive at Pinecroft Drive. The Agenda outlined the need for the traffic changes.

Recommendation: Administration recommends approval of the traffic changes as outlined. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 507

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Deboy Street at Exit Ramp of Beltline
Emerson Drive at Pinecroft Drive

Section 2. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Gaston Street, east side, from a point 100 feet north of Peace Street, northward 48 feet
Glen Eden Drive, north side, beginning at a point 312 feet west of Glenwood Avenue, westward 150 feet
Price Street, north side, from Nazareth Street, eastward 500 feet

Amend said Schedule further by deleting:

Davie Street, south side, beginning at a point 65 feet east of Salisbury Street eastward 47 feet

Section 3. That Traffic Schedule No. 17 entitled "LOADING ZONES" be amended by adding the following:

Davie Street, north side, beginning at a point 65 feet east of Salisbury Street eastward 70 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective March 12, 1985.

Adopted: 3/5/85

END OF CONSENT AGENDA

***HEALTH MAINTENANCE ORGANIZATION CONCEPT - EVALUATION - APPROVED

A renewed interest is being expressed in the concept of how an HMO can aid an organization and its employees in controlling the escalation of health care costs. It is desirable to review how such a HMO would affect the City's health care program.

The City has retained for a number of years the firm of Hutchison and Associates to advise the City on health care programs and it is proposed that the firm provide an analysis of the HMO concept.

Recommendation: That Hutchison and Associates be retained to review and evaluate the HMO concept for the City government for a fee of up to $1,750 and that the following transfer be approved:

Transferred From:		
01-2-1040-0001	Contingency	$ 1,750.00
Transferred To:		
01-2-1040-0287	Ins. Consultant Services	$ 1,750.00

Ms. Block indicated she had talked with the City Manager briefly about this concept indicating her concern is for the employees and how they would feel about this. City Manager Benton indicated Ms. Block wanted to make sure that the assessment is done in such a way to get feedback from the employees, etc. He indicated the City has a Wellness Committee that is ongoing and if the City Council were to approve this evaluation, he expects that it would involve them so that we could get adequate feedback from the employees. Ms. Block moved the recommendation, as outlined, be upheld. Her motion was seconded by Ms. Cates and was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 506TF17.

***NEUSE RIVER WASTE TREATMENT PLANT - CHANGE ORDER G-1 - APPROVED

Change order G-1 - Crain and Denbo, Inc., relating to the Neuse River Waste Water Treatment Plant, Phase II was presented. The change order is for a deduction of $35,000. The Agenda outlined the reason for the change order as well as the budget accounts that need to be amended. Ms. Block pointed out she asked that this item be withdrawn from the Consent Agenda, pointing out the reason is listed as "adjustment of real/non-real cost breakdown". City Manager Benton indicated administratively we

sometimes use terms that others do not use on a daily basis. He pointed out as a part of financing of this work, the City Council approved the concept of lease/purchase on some of the equipment. He indicated in doing this, we divided the improvements into two programs. He stated the "real" refers to property which will be fixed, such as a structure, etc. "Non-real" refers more to equipment, etc., that will become obsolete and will have to be replaced in the future. He stated they are both actual costs, but broken down to real/non-real for accounting purposes. Ms. Block moved the change order and transfer, as outlined, be approved. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SPECIAL ITEM

***REZONING Z-17-85 - SPRING FOREST ROAD - PROPERTY REZONED TO RESIDENTIAL-6

This was a request for approval to rezone approximately 26.7 acres from Residential-1 to Residential-10. CR-5421 presented by the Planning Commission on February 5, 1985, recommended that the request be approved as amended; that is, that the property be rezoned to Residential-4. During the February 5 Council Meeting, no action was taken except to defer the case to this Agenda as a special item for consideration. A copy of the Certified Recommendation was included in the Agenda packet.

Mr. Walters indicated at the public hearing, Residential-10 was requested and Residential-6 was proposed by the opponent. He indicated Residential-4 is being developed in the immediate area, however, he feels that Residential-6 is appropriate for this property. Ms. Cates indicated she had looked at this very carefully, checked it out on the overall zoning map, etc., and she would move that the property covered by application Z-17-85 be rezoned to Residential-6. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 508ZC157.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated items marked with one asterisk beside the Certified Recommendation number means that that property is located within flood-prone areas. Items marked with two asterisks beside the Certified Recommendation number are located within the Falls Basin. The following items were pulled from the Consent Agenda: Mr. Keller - CR-5434 (Z-26-84) and CR-5454 (Z-26-84); Ms. Cates - CR-5450 (TC-1-85); Ms. Block - CR-5451 (Z-40-84). Mr. Walters moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***S-21-85 - SWEETBRIAR CONDOMINIUMS - APPROVED

This was a request for approval to revise an approved site plan consisting of two lots - Lot 1 having eight buildings with 32 units on 3.2 acres, and Lot 2 having four buildings with 16 units on 1.6 acres. The revision is shifting of buildings and parking arrangement on Lot 1. Lot 2 is to remain as previously approved.

The property is located between Quail Ridge Road and Windy Hill Drive on the north side of Pointer Drive, inside the City Limits.

CR-5445 from the Planning Commission recommended that this request be approved according to a map entitled, "Sweetbriar Condominiums," the property of Thomas Gibson and Company, drawn by Little and Little, dated February 12, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***S-50-85 - WOODWARD BUILDING CONDOMINIUM CONVERSION

This was a request for approval to convert an existing 31,411 square foot four-story building into office condominiums on a site zoned Business.

The property is located on the west side of the Fayetteville Street Mall between Hargett Street and Martin Street, inside the City Limits.

CR-5446 from the Planning Commission recommended that this request be approved according to a map entitled, "Woodward Building Condominium Conversion," the property of Carlton Midyette, drawn by Burnstudio Architects, PA, dated October 1, 1984. Consent Agenda approval: Walters/Babb - 8 ayes.

***PA-16-85 - CROSSPOINTE OFFICE PARK - APPROVED WITH CONDITIONS

This was a request for approval to construct a 98,000 square foot office building on 5.70 acres which are undeveloped and zoned Office and Institution-I.

The property is located on the north side of Pointe Place, just west of N.C. 50, outside the City Limits.

CR-5447 from the Planning Commission recommended that this request be approved according to a map entitled, "Crosspointe Office Park," the property of Plaza Associates, Incorporated, drawn by Haken/ Corley and Associates, dated January 25, 1985, with the following conditions: (1) that the construction drawings for the relocation of Pointe Place be approved prior to issuance of a building permit; and (2) that a detailed landscaping plan be approved by staff prior to issuance of a building permit. Consent Agenda approval: Walters/Babb - 8 ayes.

***SC-9-85 - CAMERON VILLAGE SIGN CRITERIA REVISION - APPROVED

This was a request for approval to revise the sign criteria to allow four freestanding signs, directory signs and parking signs for the existing shopping center. The site is zoned Shopping Center.

The property is located north of Peace Street and south of Cameron Street, inside the City Limits.

CR-5448 from the Planning Commission recommended that this request be approved according to a document entitled, "AMENDMENT: TO SIGN CRITERIA, CAMERON VILLAGE SHOPPING CENTER, RALEIGH, NORTH CAROLINA, 29 JULY 1982," the property of Brookmont Corporation, drawn by Angshuman De Architects, dated February 15, 1985. Consent Agenda approval: Walters/Babb - 8 ayes.

***TC-278 - RESIDENTIAL DENSITIES AND OFFICE AND INSTITUTION-I AND II - APPROVED AS AMENDED

CR-5449 from the Planning Commission recommended that TC-278, be approved as amended according to the ordinance attached to CR-5449. The amended text change: (1) allows residential densities of up to ten dwelling units per acre in Office and Institution-I and -II as a general use and higher densities now permitted in the districts as a special use to be approved by the Council; (2) deletes the transitional yard standards from the originally proposed special use standards; and (3) makes this ordinance effective six months after its adoption. Consent Agenda approval: Walters/Babb - 8 ayes.

ORDINANCE NO. (1985) - 509 TC 230

AN ORDINANCE TO REQUIRE THE ISSUANCE OF A SPECIAL USE PERMIT FOR RESIDENTIAL DWELLINGS LOCATED IN OFFICE AND INSTITUTION ONE AND TWO DISTRICTS.

WHEREAS, General Statute 160A-381 authorizes the Raleigh City Council to issue special use permits; and

WHEREAS, the Raleigh City Council finds that a limited number of residential dwellings in office districts are an acceptable general use in office districts and that a greater number of residential dwellings in office districts are an acceptable special use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2033(a) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(a) All uses permitted in residential districts except home occupations, limited home businesses, or family care homes are prohibited in this district. The maximum residential density shall not exceed ten (10) family dwelling units per acre without a special use permit. Up to and including twenty-five dwellings per acre are allowed in this district subject to a special use permit being granted by the Raleigh City Council pursuant to Section 10-2072(g).".

Section 2. Section 10-2034(1) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(1) All uses permitted in Office and Institution I districts except that the maximum residential density shall not exceed ten (10) family dwelling units per acre without a special use permit. Up to and including forty dwellings per acre are allowed in this district subject to a special use permit being granted by the Raleigh City Council pursuant to Section 10-2072(g).".

Section 3. The table entitled "YARD REQUIREMENTS AND DENSITY STANDARDS ACCORDING TO ZONING DISTRICTS" appearing on page 10-41 supp. no. 12, 6-84 of the Raleigh City Code and referred to in Section 10-2063(a) of the Raleigh City Code is hereby amended to add to the end thereof the following:

"***** The families per acre indicated in excess of ten are allowed only after the issuance of a special use permit by the Raleigh City Council pursuant to Section 10-2072(g).".

Section 4. The first sentence of Subsections 10-2072(a)(3) and 10-2072(e) of the Raleigh City Code are hereby amended to add immediately after the word "hearing" the following words: "conducted under the procedures contained in Section 10-2094(d)".

Section 5. Section 10-2072 of the Raleigh City Code is hereby amended to add a new Subsection, 10-2072(g) which shall read as follows:

"(g) Residential dwellings in Office and Institution I and II districts. To permit in Office and Institution I and II districts only, residential dwellings following an evidentiary hearing conducted under the procedures contained in Section 10-2094(d) after a finding by the City Council that:

(1) Non-residential uses within the office district and on tracts or parcels of land under the same ownership are compatible with the residential character of the development; and

(2) The development meets all applicable requirements of this code, and if there are conflicts between code provisions the more restrictive shall apply; and

(3) The residential development meets all development criteria established by City Council adopted plans, such as Redevelopment Plans and the Comprehensive Plan; and if there are conflicts between plans and code provisions, the more restrictive shall apply; and

(4) The residential use, or height and setbacks of the structures will not be injurious to property or improvements in the neighborhood; and

(5) Residential dwellings and approved site plans which were already in existence prior to being classified as a special use by this ordinance (effective date:) which otherwise conformed to this chapter are conforming uses. However, any expansion of the number of such residential dwellings must receive a special use permit approved under the provisions of 10-1072(g) as if the dwellings including their expansions were being newly established.".

Section 6. Subsections 10-2094(d)(2), (3), and (4) of the Raleigh City Code are hereby repealed, rewritten, and reenacted to read as follows:

"(2) Public notice by publishing or advertising notice of the hearing in a newspaper of general circulation in the City of Raleigh at least once and at least seven days nor more than twenty-five days before the date fixed for the hearing.

(3) The City will make a reasonable attempt to notify by general mail all owners of property which is the subject of the action, the applicant, and all property owners immediately adjacent to or directly opposite the street from the subject property. All such notices shall state the location of the building or lot, the general nature of the question involved, and the time and place of the hearing. Any defective notification shall not invalidate the proceeding.

(4) The City will make a reasonable attempt to post a sign or signs on the subject property when possible or will place a sign or signs at convenient locations. Any defective posting shall not invalidate the proceeding.".

Section 7. Subsection 10-2094(d)(8) of the Raleigh City Code is amended to delete the last five words therefrom.

Section 8. Subjection 10-2094(d)(9) of the Raleigh City Code is amended to add to the end of said subsection the following words: "or certified mail return receipt requested".

Section 9. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 10. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 11. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 12. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 13. This ordinance shall become effective six months following its adoption.

Adopted: 3/5/85

***REZONING Z-137-84 - DURALEIGH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 15 acres from Residential-4 to Residential-6.

CR-5452 from the Planning Commission recommended that Z-137-84 be approved as requested. Consent Agenda approval: Walters/Babb - 8 ayes. See Ordinance 508ZC157.

END OF THE PLANNING COMMISSION CONSENT AGENDA

***TC-1-85 - SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE - ENFORCEMENT - APPROVED AS AMENDED

CR-5450 from the Planning Commission recommended that the text change be adopted as amended and attached to CR-5450. The amended text change: (1) requires persons undertaking land-disturbing activities to appoint individuals, resident of Raleigh, to be their agents for notices, process, or pleadings concerning the soil erosion ordinance (see Section 1 of proposed text change and attached form); (2) allows notices, process, and pleadings to be delivered by personal service; and (3) retains the seven working day requirement of the ordinance but adds exceptions for failure to install devices or measures shown on the approved soil erosion and sedimentation control plan, unmaintained silt fences, and gravel pads, and manually correctable measures or devices.

Planning Director Chapman explained the proposed text change and the Planning Commission's recommendation. Chairman McNeely indicated this text change was studied in a sub-committee and gave a brief description of that Committee. He indicated all segments were involved - industry, staff, Inspections Department, etc. He stated there are a few changes recommended from the original advertised text change. He indicated this is a tough ordinance, but it is felt by everyone that it is fair. Ms. Cates indicated one of her basic concerns still exists. She stated she appreciates the work of the Planning Commission and its sub-committee on this item, but the problem she has relates to number 3 in the Planning Commission's Certified Recommendations. She indicated she has felt all along that "seven working day requirement" is unclear and excessive, particularly when you consider the whole enforcement procedure and consider this in context with the whole proposal. She stated, in her opinion, a maximum of 10 days would be a reasonable time to fix any failures as it relates to the Soil Erosion and Sedimentation Control Ordinance. She stated when we have a storm and excessive water runs down, people want something done immediately and seven working days, particularly during a rainy spell, could stretch out to three weeks or more. She stated she feels that ten days, rather than seven working days should be included in the ordinance and she feels that number 3 should be changed to state that in no event shall the specified time limit allow more than ten days to fix the failures. Mr. Walters indicated he can understand what Ms. Cates is saying, but there would be circumstances that you could not get the repairs done in ten days. Ms. Cates moved that the Planning Commission's recommendation be upheld with the exception of item 3, but that time period be changed to the extent that in no event should the specified time limit allow more than ten days for repair or correction. Her motion was seconded by Mr. Calloway.

Mayor Upchurch indicated he did not feel that that was practical, as sometimes it would be impossible to comply with that. With the recommendation of the Planning Commission, Administration would be given some flexibility was discussed. Mr. Congleton made a substitute motion that the Planning Commission's recommendation be upheld. His substitute motion was seconded by Ms. Babb. Mr. Congleton indicated he feels the flexibility has to be dealt with on an individual basis and we have to leave some of the judgement to the professional staff. Mr. Walters indicated he agreed and is sympathetic with Ms. Cates' concern, but he feels we should put some discretion in the hands of staff. After other discussion, the substitute motion to approve the Planning Commission's recommendation was put to a vote which resulted in all members voting in the affirmative except Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 510 TC 132

AN ORDINANCE TO AMEND THE CIVIL ENFORCEMENT PENALTIES OF THE RALEIGH SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE.

WHEREAS, N.C.G.S. 113A-64(a) authorizes the City of Raleigh to invoke a civil penalty of one hundred dollars for soil erosion and sediment control violations; and

WHEREAS, the Raleigh City Council finds that the existing City Code requirement of a minimum seven working days compliance period is too long for some soil erosion and sediment control violations, particularly in view of the harmful effects of soil erosion and sediment damage; and

WHEREAS, the Raleigh City Council finds that compliance with its soil erosion and sedimentation control ordinance will be strengthened if after the allotted time period for compliance has expired civil penalties were invoked against violators from the date of receipt of notice to comply; and

WHEREAS, North Carolina Administrative Code Title 15 Subsection 4C contains no minimum time period for compliance, and it allows civil penalties to be invoked beginning from the date of receipt of notice; and

WHEREAS, the appointment of resident agents to receive process will expedite enforcement of the soil erosion ordinances.

NOW, THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The first two paragraphs following Subsection (4) of 10-6032(f) of the Raleigh City Code are hereby combined into one paragraph, and a new paragraph which is to immediately proceed the combined paragraph is enacted to read as follows:

"No land-disturbing activity permit will be issued unless a financial responsibility ownership form is completed, and the persons undertaking the land-disturbing activity shall by a duly executed instrument filed in the department of inspections appoint a natural person resident of the City of Raleigh, agent to be his lawful attorney-in-front upon which any original notice, or process, or pleadings in any action or legal proceeding against such person undertaking a land-disturbing activity arising out of any manner relating to Chapter Five Part Ten of this Code may be served. Any original notice, or process, or pleading served against the appointed agent shall be of the same force and effect as if served on the person undertaking the land-disturbing activity. The authority of the appointed agent shall continue in force irrevocably so long as the person undertaking the land-disturbing activity remains Liable for civil or criminal penalties under Chapter Five Part Ten of this Code..".

Section 2. The definition of "undertake" contained in Section 1-5003 of the Raleigh City Code is hereby amended to insert immediately after the word "initiating" the following language: "of,". Said definition is further amended to insert before the word "any" the following language: ", or being financially responsible fore".

Section 3. The first sentence of Subsection 10-5008(b) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(b) The department of inspections shall serve any person undertaking a land-disturbing activity or the person responsible for maintenance, or any of their appointed agent, written notice to comply with this section, specifying the noncompliance. Service shall be done in any of the following ways; registered mail, certified mail return receipt requested, or personal service.".

Section 4. The second sentence of Section 10-5011 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"If it is determined that any person who undertakes a land-disturbing activity has failed to comply with the provisions of any approved soil erosion and sedimentation control plan, the City shall immediately serve that person or his appointed agent by registered mail, certified mail return receipt requested, or personal service notice to comply.".

Section 5. The fourth sentence of Section 10-5011 of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"In setting the time limit for compliance, the City shall take into consideration the quantify and complexity of the work, the consequences of delay, the effectiveness of action taken by the violator, and the staff investigative costs, but in no event shall the specified time limits allow less than seven (7) working days for compliance except a shorter time period may be required by the City inspector for an immediate threat to public safety, unmaintained silt fences or gravel pads, failure to install measures or devices shown on the approved soil erosion and sedimentation control plan, or manually correctable measures or devices. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of a civil penalty. If, after the allotted time period has expired, corrective action has not been completed, the penalty shall be assessed from the date of receipt of notice to comply, and each day of continuing noncompliance thereafter shall constitute a separate violation under this section.".

Section 6. The second sentence of Subsection 10-5013(a)(1) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"No penalty shall be assessed until the person alleged to be in violation or his appointed agent is served by registered mail, certified mail return receipt requested, or personal service notice to comply.".

Section 7. The fifth and sixth sentences of Section 10-5013(a)(1) of the Raleigh City Code are hereby repealed, rewritten, and reenacted to read as follows:

"In setting the time limit for compliance, the City shall take into consideration the quantity and complexity of the work, the consequences of delay, the effectiveness of action taken by the violator, and the staff investigative costs, but in no event shall the specified time limits allow less than seven (7) working days for compliance except a shorter time period may be required by the City inspector for an immediate threat to public safety, unmaintained silt fences or gravel pads, failure to install measures or devices shown ton the approved soil erosion and sedimentation control plan, or manually correctable measures or devices. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of a civil

penalty. If, after the allotted time period has expired, corrective action has not been completed, the penalty shall be assessed from the date of receipt of notice to comply, and each day of continuing noncompliance thereafter shall constitute a separate violation under this section.".

Section 8. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 9. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 10. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 1. This ordinance shall become effective four days following its approval by the North Carolina Sedimentation Control Commission.

Adopted: 3/5/85

FINANCIAL RESPONSIBILITY/OWNERSHIP FORM
SEDIMENTATION POLLUTION CONTROL ACT

No person may obtain any land-disturbing activity permit before this form has been completed and filed with the Department of Inspections. (Please type or print and, if question is not applicable, place N/A in the blank.)

PART A.

1. Subdivision where land-disturbing activity is to be undertaken _____ - lots_____blk(s).

2. Approximate date land-disturbing activity will be commenced? _____.

3. Purpose of development (residential, commercial, industrial, etc.)? _____ _____.

4. Size of tract _____.

5. Approximate acreage of land to be disturbed or uncovered? _____.

6. Has an erosion and sedimentation control plan been filed? Yes _____ No _____

7. Land owner(s) of Record (Use blank page to list additional owners):

_____ Name	_____ Name
_____ Current Mailing Address	_____ Current Mailing Address
_____ City State Zip	_____ City State Zip
_____ Telephone Number	_____ Telephone Number

8. Indicate County, Book, and Page where deed or instrument is filed (use blank page to list additional deeds or instruments):

County_____ Book_____ Page_____

County_____ Book_____ Page_____

PART B.

1. Person(s) or firm(s) financially responsible (developer) for this land-disturbing activity.

_____ Name of Person or Firm	_____ Name of Person or Firm
_____ Mailing Address	_____ Mailing Address
_____ City State Zip	_____ City State Zip
_____ Telephone	_____ Telephone

2. Appointed agent to receive any notice, process, or pleading in any action or legal proceeding arising out of any matter relating to Raleigh City Code Chapter 5 Part 10, for the person or firm who is financial responsible for this land-disturbing activity. It is agreed that any notice, process, or pleading against the person or firm who is financially responsible for this land-disturbing activity may be served on the undersigned and shall be of the same force and effect as if served on the financial responsible person or firm.

Name of individual	Signature of appointed agent
Place of Business inside City of Raleigh	Business Telephone
Residence inside City of Raleigh	Home Telephone

Alternate Agent:

Name of individual	Signature of appointed agent
Place of Business inside City of Raleigh	Business Telephone
Residence inside City of Raleigh	Home Telephone

3. The above information is true and correct to the best of my knowledge and belief and was provided by me while under oath. (This form must be signed by the financially responsible person if an individual and by an officer; director, general partner, attorney-in-fact, or other person with authority to execute instruments for the financially responsible entity if not an individual.)

Date	Type or Print Name
	(SEAL) Title or Authority
	Signature

I, _____, a Notary Public of the County of _____, State of North Carolina, hereby certify that _____ personally appeared before me this day and under oath acknowledged that the above form was executed by him.

Witness my hand and notarial seal this _____ day of _____, 19___.

_____
Notary Seal

(SEAL)

My Commission Expires: _____

PART C.

1. Person(s) or firm(s) engaging in the land-disturbing activity:

Name of Person or Firm	Name of Person or Firm
Mailing Address	Mailing Address
City State Zip	City State Zip
Telephone	Telephone

2. Appointed agent to receive any notice, process, or pleading in any action or legal proceeding arising out of any matter relating to Raleigh City Code Chapter 5 Part 10, for the person or firm who is engaging in this land-disturbing activity. It is agreed that any notice, process, or pleading against the person

or firm who is engaged in this land-disturbing activity may be served on the undersigned and shall be of the same force and effect as if served on the person or firm engaged in the land disturbing activity.

Name of Individual	Signature of appointed agent
Place of Business inside City of Raleigh	Business Telephone
Residence inside City of Raleigh	Home Telephone
Name of Individual	Signature of appointed agent
Place of Business inside City of Raleigh	Business Telephone
Residence inside City of Raleigh	Home Telephone

3. The above information is true and correct to the best of my knowledge and belief and was provided by me while under oath. (This form must be signed by the person or firm engaging in the land-disturbing activity if an individual and by an officer, director, general partner, attorney-in-fact, or other person with authority to execute instruments for the entity engaging in the land-disturbing activity if not an individual.

Date	Type or Print Name
	(SEAL) Title or Authority
	Signature
Date	Type or Print Name
	(SEAL) Title or Authority
	Signature

I, _____, a Notary Public of the County of _____, State of North Carolina, hereby certify that _____ personally appeared before me this day and under oath acknowledged that the above form was executed by him.

Witness my hand and notarial seal this _____ day of _____, 19___.

_____
Notary Seal

(SEAL)

My Commission Expires: _____

I, _____, a Notary Public of the County of _____, State of North Carolina, hereby certify that _____ personally appeared before me this day and under oath acknowledged that the above form was executed by him.

Witness my hand and notarial seal this _____ day of _____, 19___.

_____
Notary Seal

(SEAL)

My Commission Expires: _____

***RE

ZONING Z-40-84 - LITCHFORD ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 76 acres from Residential-1 to Office and Institution-I (6 acres), Shopping Center (10 acres) and Residential-10 (60 acres).

CR-5451 from the Planning Commission recommended that Z-40-84 be approved as amended; that is, that six acres requested to be rezoned to Office and Institution-I and the 10 acres requested to be rezoned to Shopping Center be approved as requested, but that the 60 acres requested to be rezoned to Residential-10 be rezoned to Residential-6.

Planning Director Chapman explained the request. Chairman McNeely indicated this case was studied in a sub-committee and everyone felt that the sub-committee's recommendation was good. Ms. Block indicated that she asked that this item be pulled from the Consent Agenda as she had had a number of phone calls and questions asked that she wanted to be sure of the answers. She questioned how many shopping centers are in this area, how far apart are the shopping centers, how many people are already zoned for in this particular area, and whether the traffic considerations were discussed. She also questioned the drainage and whether it flows toward Durant Park. The various questions were answered by Planning Director Chapman, as well as the general development that is occurring in this area. It was pointed out there are 7,000 to 8,000 people in or projected to be within a one mile trading area of this property. As it relates to the drainage, City Manager Benton indicated there was discussion earlier about tying this area into the treatment plant in Durant Trails Subdivision and provide for pumping so there will not be any discharge into this drainage area. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 508ZC157.

***REZONING Z-26-85 - JONES FRANKLIN ROAD - PROPERTY REZONED TO O&I-I

This was a request for approval to rezone approximately 14 acres from Residential-4 and Residential-6 to Office and Institution-II.

CR-5453 from the Planning Commission recommended that Z-26-85 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely indicated the only opposition to this case was from an adjacent property owner who had conservation buffer on his property. He indicated at the Planning Commission meeting, the adjacent property owner asked for a waiver of the two-year waiting period so that he could file for rezoning. Mr. Keller indicated all of the other O&I property in this area is O&I-I. He pointed out earlier today, the residential capability in O&I was reduced when TC-278 was approved, therefore, he feels better but does not see why this should be O&I-II. Mr. Keller moved that the property covered by application Z-26-85 be rezoned to O&I-I. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO (1985) 508 ZC 157

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Litchford Road, east side, between Gresham's Lake Road and Falls of Neuse Road, and the southeastern corner of Litchford Road and the proposed Outer Belt Loop rezoned to Office and Institution-I, Shopping Center and Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-40-84)

(b) Kyle Drive (State Road 2213), south side, beginning approximately 300 feet east of its intersection with Louisburg Road (US 401), between Woodlawn Drive (Proposed Extension) and the CP&L transmission line rezoned to Residential-10 with a Conservation/Buffer strip 50 feet on each side from the center line of the creek, according to map on file in the City of Raleigh Planning Department (Z-41-84)

(c) Duraleigh Road, east side, between Blue Ridge Road and Crabtree Creek, generally between Rockwood Drive and Balsam Drive in Laurel Hills West, being Parcel 156, Tax Map 432, and Parcel 16, Tax Map 404, rezoned to Residential-6. (Z-137-84)

(d) Spring Forest Road, south side, between U.S. 1 North and Louisburg Road (U.S. 401) and opposite Fox Road, being Parcel 10, Tax Map 383, rezoned to Residential-6. (Z-17-85)

(e) U.S. Highway 64 East, north side, between New Hope Road and the Neuse River, just east of the intersection with Milburnie Road (SR 2216), being Parcel 13 and a portion of Parcel 5, Tax Map 527, rezoned to Thoroughfare District and Industrial-I, according to map on file in the City of Raleigh Planning Department. (Z-19-85)

(f) Carolina Pines Avenue, north side, between Lake Wheeler Road and Batts Street, being Parcel 327, Tax Map 604, rezoned to Office and Institution-I. (Z-24-85)

(g) Avent Ferry Road and Lake Dam Road, south and west sides respectively, being portions of Parcels 1 and 2, Tax Map 576, rezoned to Residential-6, according to map on file in the City of Raleigh Planning Department. (Z-25-85)

(h) Jones Franklin Road, west side, between Denise Drive and Woodsdale Road, being Parcels 9, 10, 12, 13, 15, 16, a portion of 18, 46, 47, 49, 53, 53A and 344, Tax Map 575, rezoned to Office and Institution-I District, according to map on file in the City of Raleigh Planning Department. (Z-26-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective March 5, 1985.

Adopted: 3/5/85

***REZONING Z-26-84 - REQUEST FOR WAIVER - APPROVED

This was a request that the two-year waiting period on Z-26-84 be waived in order to file a zoning petition on a portion of Z-26-84.

CR-5454 from the Planning Commission recommended that the two-year waiting period on Z-26-84 be waived. Mr. Keller indicated he had requested that this be withdrawn from the Consent Agenda but understood the recommendation through discussions on rezoning application Z-26-85 just voted on. Therefore, he would move the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

***HISTORIC PROPERTIES COMMISSION - J. C. KNOWLES - APPOINTED; VACANCY ON HISTORIC DISTRICTS COMMISSION ANNOUNCED

The Clerk indicated there is a vacancy on the Historic Properties and Historics Districts Commissions due to the resignation of William H. Bingham, Jr. It had been agreed that an appointment would be made to the Historic Properties Commission first and then nominations would be taken for the Historic Districts Commission. J. C. Knowles has been nominated for the Properties Commission. Nominations have not been closed. There being no other nominations, Mr. Congleton moved that nominations be closed and Mr. Knowles appointed by acclamation. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TELECOMMUNICATIONS COMMISSION - NO ACTION TAKEN

The Clerk reported the Chairman position of the Telecommunications Commission is vacant. The Council agreed to hold appointment until a report is received from the City Manager. Ms. Cates questioned when this report is going to be received with City Manager Benton indicating as soon as he could, pointing out he has had several other priorities.

***APPEARANCE COMMISSION - NOMINATION MADE

The Clerk reported the term of Jerry Traub expires April 21. He has been nominated for reappointment and nominations have not been closed. Ms. Block nominated Carol E. McCormick.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATIONS MADE

The Clerk reported the term of Frank Brooks expired February 1 and the term of Grover Bland expired February 6. Nominations include Mr. Bland, Nancy Parr and Mr. Brooks. The City Clerk reported that Mr. Bland does not wish to be reappointed; therefore, his name was withdrawn from nomination. Ms. Block nominated Mary Payne. No further action was taken.

***FIREMEN'S RELIEF FUND - BOARD OF TRUSTEES - TOM KUSTER APPOINTED

The City Clerk reported the term of R. E. Keith expired February 3. Nominations include Tom Kuster and C. A. Lloyd. Nominations have not been closed. There being no other nominations, Ms. Babb moved that nominations be closed. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted. A ballot vote resulted as follows: Kuster - 7 (Cates, Block,

Upchurch, Walters, Calloway, Keller, Babb); Lloyd - 1 (Congleton). The Mayor announced the appointment of Tom Kuster to the Firemen's Relief Fund Board of Directors.

***FAIR HOUSING HEARING BOARD - APPOINTMENTS MADE

The Clerk reported the terms of Francis Roberts and James Colson expire March 17. Nominations include: Mr. Roberts, Sonya Barnes and Dorothy Allen. Nominations have not been closed. Mr. Congleton moved that nominations be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. A ballot vote resulted as follows: Roberts - 7 (Upchurch, Walters, Calloway, Cates, Keller, Congleton, Babb); Barnes - 7 (Upchurch, Walters, Block, Calloway, Keller, Congleton, Babb); Allen - 1 (Cates). The Mayor announced the reappointment of Mr. Roberts and the appointment of Sonya Barnes to the Fair Housing Hearing Board.

***HO
USING AUTHORITY - BOARD OF DIRECTORS - NOMINATIONS MADE

The City Clerk reported the term of William H. DeBrito expires April 4. He is not eligible for reappointment due to length of service. Marion Dorsey has been nominated. Nominations have not been closed. Mr. Walters nominated Shelia Nader.

***YOUTH COUNCIL ADVISORY BOARD - LIANDA TAYLOR REAPPOINTED

The Clerk reported the term of Lianda Taylor expires April 5. She has been nominated for reappointment and nominations have not been closed. There being no further nominations, Ms. Cates moved that nominations be closed and Ms. Taylor appointed by acclamation. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CIVIL SERVICE COMMISSION - NOMINATIONS MADE

The Clerk reported the following terms expire May 19, 1985. All are eligible for reappointment: At-Large Representative - Becky Brownlee; Management or Industry Representative - Paul Schiller; Attorney - Clyde Holt. No nominations have been made. Mr. Congleton nominated Ms. Brownlee. Mr. Walters nominated Mr. Schiller. Mayor Upchurch nominated Mr. Holt. No further action was taken.

***DOWNTOWN ADVISORY COMMITTEE - APPOINTMENTS MADE

The City Clerk indicated this Committee is made up of representatives of various organizations and some at-large representatives. The following organizations have asked that their representatives be redesignated as follows: North Carolina Department of Administration - Alan Pugh, Deputy Secretary for Governmental Operations; Planning Commission - Thomas Worth. The Clerk indicated these changes are needed due to change in organization or committee structure and it would be appropriate for Council to confirm appointment of these two. Mr. Walters moved confirmation of the two persons as recommended. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ECONOMIC DEVELOPMENT ROUNDTABLE - RAYMOND L. CHAMP - APPOINTED

The City Clerk indicated Perry Safran, Chairperson of the Raleigh Economic Development Roundtable desires to have Raymond L. Champ, President of the Wake County Hospital System, appointed to the Raleigh Economic Development Roundtable. Ms. Babb indicated she felt that this was very appropriate and would move that Mr. Champ be appointed to the Roundtable. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PLANNING COMMISSION - COUNTY APPOINTEE - NOMINATION MADE - TO BE HELD UNTIL NEXT MEETING

The City Clerk indicated she had received information from the County that their representative on the Planning Commission, Clara Ballantine, has resigned effective February 1. Council Members had received information from the County relative to persons who had expressed an interest in serving. Ms. Block indicated she read these and only one of the persons who had indicated an interest in serving that came from the portion of the County that Ms. Ballantine lives in is Mary Smith, who lives on Holly Springs Road and she feels that she would be a very good Commission member. Mayor Upchurch questioned how the Council wanted to handle this. He indicated, in the past, each Councilperson has contacted the County individually in support of a candidate if they so desired. Discussion took place on what policy the Council should follow, that is, contact the County Commissioners individually or forward a name from the City of Raleigh. Ms. Block indicated in talking with County Commissioners, she has been told that the City of Raleigh is the only municipality that does not make recommendations; therefore, she would move that the City Council send forth the name of Mary Smith as a candidate for the County representative on the Planning Commission. Her motion was seconded by Mr. Calloway. Mr. Walters indicated he would support this if other Council Members would support making sure that all areas of the City are represented on the Planning Commission. Ms. Babb indicated she did not know Ms. Smith, but she is sure she would probably be a good member. She stated personally, she is more comfortable making recommendations to the County as an

individual rather than as a City Council. She stated at this point, she feels the discussion is do we want to change our policy and send forth a recommendation or stick with making individual recommendations. Mayor Upchurch indicated he would feel more comfortable if we accepted Mary Smith's name as a nomination and follow the usual procedure for appointments. Ms. Block indicated she feels the usual procedure for appointments should be followed. Therefore, she would put Mary Smith's name in nomination and the Council could consider other nominations and send forth a recommendation at a later time.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***REZONING Z-24-85 - CAROLINA PINES AVENUE - REZONED TO O&I-I

Chairman Keller reported the Law and Finance Committee recommends that this property, being approximately 8.7 acres (Parcel 327, Tax Map 604), be rezoned from Residential-4 to Office and Institution-I. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 508ZC157.

***REZONING Z-25-85 - AVENT FERRY/LAKE DAM ROADS - REZONED TO RESIDENTIAL-6

Chairman Keller reported the Law and Finance Committee recommends that this property, being portions of Parcels 1 and 2, Tax Map 576, be rezoned from Conservation/Buffer to Residential-6 according to a map on file in the Planning Department and available at the meeting. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 508ZC157.

***REZONING Z-19-85 - NEW BERN AVENUE - REZONED TO INDUSTRIAL-I AND THOROUGHFARE DISTRICT

Chairman Keller reported that the Law and Finance Committee, by split vote, recommends that the property covered by rezoning application Z-19-85 be rezoned from Residential-4 to Industrial-I. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters pointed out he feels everyone understands this case and understands that one property - the Caltone property - would become non-conforming under Thoroughfare zoning. He stated that is Tax Parcel 527, Lot 13. Therefore, he would make a substitute motion that Tax Parcel 527, Lot 13 be rezoned Industrial-I and the remainder of the property covered by application Z-19-85 be rezoned Thoroughfare District. His substitute motion was seconded by Ms. Cates which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 508ZC157.

***JOGGERS - REFLECTIVE CLOTHING - REFERRED TO PARKS AND RECREATION DEPARTMENT TO DEVELOP AWARENESS PROGRAM

Chairman Keller reported the Law and Finance Committee recommends that this item be reported out of Committee with no action to require joggers to wear reflective clothing; however, the Committee recommends that the Parks and Recreation Department in conjunction with other groups such as the CAC's, "Y", news media, etc., put together a public awareness program encouraging joggers, on a voluntary basis, to wear reflective clothing. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SALARY - MAYOR AND COUNCIL MEMBERS - HELD IN LAW AND FINANCE COMMITTEE

Mr. Keller indicated the Committee did have a recommendation, however, with the concurrence of the other Committee members, he would like to hold this item in Law and Finance Committee. Without objection, the item was held in Committee.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***HOUSING CODE - UNIVERSITY AREA - REMOVED FROM THE AGENDA

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda with no action. She reported the dwellings at 202-202½ and 225 Linden Avenue are now in compliance with the requirements of the City Code relating to maximum number of unrelated occupants. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TH E ELECTRIC COMPANY - 2526 HILLSBOROUGH STREET - ENCROACHMENT FOR AWNINGS AND SUNROOMS - APPROVED CONDITIONALLY; BRICK SIDEWALKS HELD IN PUBLIC WORKS COMMITTEE; BRICK SIDEWALKS AT MCDONALD'S, INC. - APPROVED CONDITIONALLY

Ms. Block reported the Public Works Committee recommends that the following items relating to the electric company at 2526 Hillsborough Street be approved subject to concurrence and/or approval by the State Department of Transportation:

(1) Awnings - the Committee recommends approval of an encroachment agreement for the installation of awnings.
(2) Sunrooms - the Committee recommends allowing a 2-foot 4-inch encroachment on the right-of-way for the installation of sunrooms.

On behalf of the Committee, Ms. Block moved that these two items be approved in concept with the understanding that the State DOT would have to actually approve the encroachments. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Ms. Block indicated as far as brick sidewalks are concerned, the Public Works Committee recommends approval in concept of a variance allowing the property owner to install brick sidewalks adjacent to the property along Pogue and Hillsborough Streets contingent upon commitments from the remaining property owners along these two blocks that brick sidewalks will be installed within three years. This would involve the property owners providing a bond in the amount of this construction or letters of credit. This item would be held in the Public Works Committee for consideration of the remaining items.

Ms. Block indicated that she had a letter from McDonald's offering a proposal that they be allowed to install brick sidewalks, but after talking with the City Attorney, she did not feel they could go with that proposal; therefore, she would move that this item be approved as outlined. Her motion was seconded by Mr. Calloway.

Ms. Babb indicated she had been reading about this in the paper and would like to think of some way that this can work. She indicated as she understood it, the property owner - McDonald's had suggested that they would be willing to put the brick down and change it in year, if the rest of the sidewalks in the block had not been converted to brick. She questioned if we could require the property owner to put up a bond in an amount equal to what it would cost to remove the brick pavers and put in concrete sidewalks if the rest of the block did not put in brick sidewalks. In response to questioning, City Attorney McCormick indicated the proposal from McDonald's sounds okay, except we should have a letter of credit or some type bond to insure that they would remove the brick sidewalk if that had to occur.

Jeff Baker, representing McDonald's, indicated the store on Hillsborough Street is a special store, in that it is their 30th anniversary store. He stated they would be willing to put up money or bonds in an amount set by the City to remove the brick pavers if required by the City. He stated he had no problem with that. Lengthy discussion took place as to how this could be handled. Various motions were suggested after which, by general consensus, it was agreed to allow McDonald's to put in the brick sidewalk in front of their store on Hillsborough Street with the condition that they provide a bond or a letter of credit equal to an amount that City Administration says it will cost to remove the brick pavers and install concrete sidewalks if the rest of the block has not converted to brick pavers within one year. It was further agreed to hold the item relating to brick sidewalks as it relates to the electric company and Public Works Committee.

***REZONING Z-41-84 - KYLE DRIVE - REZONED TO RESIDENTIAL-10 AND CONSERVATION BUFFER

Ms. Block reported the Public Works Committee recommends that the property included in application Z-41-84 be rezoned to Residential-10 with the Conservation/Buffer strip 50 feet on each side from the center line of the creek. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE RALEIGH CITIZENS ADVISORY COMMITTEE

***RALEIGH CITIZEN ADVISORY COMMITTEE - REPORT RECEIVED

Bernadine Weddington, Chairperson of the Raleigh CAC, indicated back in November, she told the Council that she would make periodic reports on the activities of the CAC and this is the first of such status statements. She indicated it would be impossible to give a comprehensive rundown on the 18 community CAC's but wanted to mention some of their activities over the past 4 months. She stated rezoning petitions always take a major portion of the meetings. Many CAC's have been involved with plans for their respective park situation. Friends of Roads made presentations at many meetings, including the RCAC and the CAC was well represented at the public hearing before the Council on December 18. She stated there have been speakers from Public Utilities, Cable Access, ArtsPlosure, Transportation, Transit Authority, Civil Rights Unit, Economic Planning, Help Vote '85 and Community Development. She stated at the meeting on March 6, Assistant City Manager Yates will be at the Six Forks CAC to discuss revenue sharing and other Federal grants. She stated they had advised citizens about leaf collection schedules and one CAC is collecting pet food coupons to help the Wake County SPCA. Downtown development and the NCNB proposal in particular have been the topic of many CAC's and RCAC meetings. She indicated they support the early appointment of the task force. She indicated Mr. Rash, of NCNBCD, met with residents from those communities and she feels there was a good dialogue established. She expressed disappointment that none of the Council Members were able to attend that meeting. She stated when the Planning Department submitted its

proposal on the National Main Street Center for Urban Demonstration Grant, it asked the CAC for a letter of support which they gladly supplied. She stated as far as the RCAC is concerned they have 9 committees in place. She indicated each Council Member will receive a list of the committees as well as the list of the officers of the RCAC and the CCAC's. She explained the different committees pointing out she knows that the City Administration will be most helpful in supplying timely information to these committees. She indicated she is supplying Council Members with a list of the major efforts and she had compiled a scrap book that she would hand in hoping that all would have a chance to look through it. She indicated Council Members receive meeting notice and hopefully they would be able to find time to attend some of those meetings and talk directly with the constituents. She stated in her opinion, public hearings do not afford the kind of dialogue that she feels the Council would want to have with the citizens of Raleigh and its ETJ. She indicated that the Council must be particularly sensitive to those in the ETJ, since the Council does have immense power over many areas of their lives, yet they have no champion other than the CAC.

REPORT AND RECOMMENDATION OF THE WORK SESSION

***SISTER CITY COMMITTEE - FOLK FESTIVAL - APPROVED IN CONCEPT - VARIOUS ACTIONS TAKEN

Mayor Upchurch indicated the Council in Work Session recommended approval in concept of an international folk festival in Raleigh. It is also recommended that the Sister City Committee be allowed to appoint a steering committee which would consist of two representatives of the Sister City Committee - Millie Shecter and Jo Ann Godwin, Civic Center Director Roger Krupa, and one member each from the Civic Center Authority and the Downtown Advisory Committee to be appointed by the chairpersons of those Committees. It is also recommended that the program, staffing, and budget of this program be referred to the City Manager for his recommendation. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TC-270 - FALLS LAKE POLICY - APPROVED

Mayor Upchurch indicated during Work Session, the Council recommended approval of TC-270 as recommended by the Planning Commission in CR-5404 with amendments recommended by the staff during Work Session. Council Members received a proposed ordinance including all of these amendments in their Agenda packet. Mayor Upchurch moved adoption of TC-270. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 511 TC 232 AS MODIFIED

AN ORDINANCE TO PROTECT DRINKING WATERS.

WHEREAS, N.C.G.S. 160A-383 authorizes the City of Raleigh to enact zoning regulations for the purpose of promoting health and facilitating the provision of water; and

WHEREAS, N.C.G.S. 160A-458 and Article 4 of Chapter 113A authorizes the City of Raleigh to enact soil erosion and sedimentation regulations; and

WHEREAS, the State of North Carolina, Triangle J Council of Governments, the County of Wake, and the City of Raleigh have determined that soil sediments and storm water runoff from impervious surfaces, and intensive development adversely affect the quality of drinking water; and

WHEREAS, storm water velocities greater than 2½ feet per second cause soil erosion of sandy loams, and sandy loam is one of the more erodible soils located in Raleigh's planning jurisdiction; and

WHEREAS, the preferred method of controlling the quality of storm water is through infiltration; and

WHEREAS, North Carolina Department of Transportation "Subdivision Roads Minimum Construction Standards" permit swale and drainage ditches and that such construction facilitates the capture of storm water runoff and encourages infiltration of storm water; and

WHEREAS, construction of drainage nd soil erosion facilities in watercourses, floodplains and steep slopes herein called primary and secondary watercourse buffer areas damage the fragile environment within these areas, discourages natural infiltration of storm waters, and reduced property values of surrounding properties; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition, "impervious surface", which follows the definition of "impactment or impaction" and shall read as follows:

"Impervious surface. An impervious surface is any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces; necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.".

Section 2. The Residential-1 (R-1) zoning district is hereby renamed rural residential zoning district wherever it appears in the Raleigh City Code.

Section 3. Section 10-2024(b) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(b) Single family dwelling, on it's own lot, said lot fronting on a public street with a minimum lot size of forth thousand (40,000) square feet, however, in a Primary Reservoir Watershed Protection Area, single family dwellings must be located on a lot with a minimum size of eighty thousand (80,000) square feet, which fronts a public street.".

Section 4. Section 20-2024(c)(3) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(3) The lot size of the combined single-family dwelling and utility apartment is a minimum of forty thousand (40,000) square feet, however, a minimum lot size of eighty thousand (80,000) square feet is required in a primary reservoir watershed protection area.".

Section 5. Section 10-2024(d)(3) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(3) The lot size for the combined single-family dwelling and rental room(s) is a minimum of forty thousand (40,000) square feet, however, a minimum lot size of eighty thousand (80,000) square feet is required in a primary reservoir watershed protection area.".

Section 6. Section 10-2067 of the Raleigh City Code is hereby enacted to read as follows:

"Sec. 10-2067. Reservoir Watershed Protection Areas and Regulations.

(a) Reservoir Watershed Protection Areas. In order to protect the integrity of drinking water for the residents of Raleigh and surrounding communities and to provide clean and safe water for businesses and industries, plant and animal life, at reasonable cost, reservoir watershed protection regulations are established and are superimposed upon all zoning districts, and the regulations contained in this section shall be deemed to apply in addition to any zoning regulation. Reservoir watershed protection areas are delineated on the official zoning map and reflected in the current comprehensive plan for the City of Raleigh.

(b) Impervious surface coverage. Within any reservoir watershed protection area all lots or portions of lots in existence prior to the effective date of this ordinance, ( ) or lots established outside the subdivision process after that date, no additional impervious surface may be constructed, not including public or private streets, which would result in greater lot coverage by impervious surface than allowed by the following table, unless the provisions of 10-2067(d) are complied with for the portion of additional impervious surface exceeding the following table:

Primary Reservoir Watershed Protection Area:

- six percent

Secondary Reservoir Watershed Protection Area:

- not connected to both city water and sewer facilities - twelve percent

- connected to both city water and sewer facilities - thirty percent

All impervious surfaces and lot areas within the watershed shall be calculated from the adjoining street right-of-way; provided if an expansion of an existing right-of-way or a new right-of-way has been established in the comprehensive plan, impervious surface and lot areas within the watershed shall be calculated from the expanded or new right-of-way.

All lots established under the subdivision ordinance after the effective date of this ordinance ( ), shall comply with the impervious lot coverage standards in 10-3059(a).

(c) Watercourse Buffer Areas. After the effective date of this ordinance ( ), watercourse buffer areas are established within all reservoir watershed protection areas. These buffer areas protect fragile environmental areas in reservoir watershed protection areas. Primary watercourse buffer areas are established adjacent to watercourses and secondary watercourse buffer areas are established over floodplains and slopes fifteen percent or greater adjoining watercourses.

Primary Watercourse Buffer Areas - No clearing, no construction, and no land disturbing activity is permitted in this area except for required streets and associate facilities, utility mains only if the person submitting the plan shall show that sediment loss during and after the construction is less than that which would have been achieved if other locations outside the buffer were used and that the potential for stormwater infiltration within the site is equal to or greater than that which would have been achieved if other utility locations outside the buffer were used, and drainage facilities which comply with §10-5006(12)c.2. The boundaries of this area are as follows:

- Fifty (50) feet along each side of a watercourse draining twenty-five (25) acres or more of land.

- Twenty-five (25) feet along each side of a watercourse draining five (5) acres or greater, but less than twenty-five (25) acres.

The dimensions shall be measured perpendicularly to the flow of the watercourse, and horizontally from the edge of the watercourse banks, except when no watercourse banks exist, in which case, the center line of the watercourse shall be used. The dimensions shall be established at the time of the recordation of the final plat or at the time of initial development if these recorded maps fail to contain the delineation.

Secondary Watercourse Buffer Areas - All uses allowed in the applicable zoning districts are permitted in this area, pursuant to the regulations in 10-5006(12).

The boundaries of these watercourse buffer areas are illustrated on maps on file in the planning department, provided that more precise boundaries, established by topographic data from actual site surveys, or floodway fringe boundaries, established according to Chapter 4, shall control.

(d) Storm water retention or detention. Unless regulated pursuant to 10-3052(c), no private drive and no impervious surfaces in excess of §10-2067(b) shall be constructed on any lot without retaining within the lot for either infiltration into the soil, or evaporation into the air, or detaining for a twelve hour time period the first one-half inch of stormwater which directly or indirectly runs-off any impervious surface. No retention or detention device shall be installed except in accordance with a plan approved by the soil conservation division of the city.

Retention or detention devices which serve more than one lot and are located on private property are allowed if there is a recorded maintenance agreement which complies with §10-5007(c) for sharing the maintenance costs and, if there is recorded in the Wake County Registry a map showing the location of the retention or detention device on the lot and said map bears the following note:

"The devices which capture storm water located on this lot are required to be maintained by the property owner in accordance with the requirements of the Raleigh City Code.".

Section 7. The first sentence of Subsections 10-2072(c) and (d) of the Raleigh City Code are amended to add immediately before the period thereof the following: "and provided further, that the development is not located in any primary reservoir watershed protection area shown on the official zoning map and reflected in the current Comprehensive Plan of the City of Raleigh".

Section 8. Section 10-3003 of the Raleigh City Code relating to definitions is hereby amended to add a new definition, impervious surfaces, said definition is to follow the definition of group housing development and it shall read as follows:

"Impervious surface. An impervious surface is any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, parking area, driveways, sidewalks, and any concrete, stone, brick, asphalt, or compacted gravel surfaces; necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.".

Section 9. Subsections (a) and (b) of Section 10-3005 of the Raleigh City Code are hereby amended to add a new subsection which shall follow subsection (6) and it shall read as follows:

"(7) The amount of impervious surface per lot is indicated before and after the recombination in reservoir watershed protection areas. All impervious surfaces and lot areas within the watershed shall be calculated from the adjoining street right-of-way; provided if an expansion of an existing right-of-way or new right-of-way has been established in the comprehensive plan, impervious surface and lot areas within the watershed shall be calculated from the expanded or new right-of-way.".

Existing Subsections 10-3005(a)(7) through 10-3005(a)(10) and Subsections 10-3005(b)(7) through 10-3005(b)(10) are relettered 10-3005(8) through 10-3005(11) respectively.

Section 10. Subsection 10-3013(b) of the Raleigh City Code is hereby amended to add three new subdivisions, said new subdivisions shall follow 10-3013(b)(12) as amended by ordinance no. (1984) 407 TC 222 §5, and they shall read as follows:

"(13) In reservoir watershed protection areas, the boundary of watercourse buffer areas as required in 10-3059(b).

(14) In reservoir watershed protection areas: the square foot amount of existing impervious coverage for each existing and proposed lot, the estimated amount of impervious square footage of proposed public and private streets and public improvements, and the total amount of impervious surfaces outside streets, for developments approved under Article D of this Chapter.

(15) In reservoir watershed protection areas, the location of an areas served by facilities used to retain the first one-half inch of storm-water as required in 10-3052(c).".

Section 11. The third and fourth sentences of §10-3016 of the Raleigh City Code are amended to insert after the word "floodprone areas" the following words "or in watercourse buffer areas".

Section 12. The second sentence of the second paragraph of Raleigh City Code Subsection 10-3049(a) is hereby repealed, rewritten to conform with 10-3011(a) and reenacted to read as follows: "In all other areas where neither city water not city sanitary sewer are available or made available within four (4) months after approval of the plat, street construction, which shall include only paving width; paving construction; underground utilities; shoulder sections; except as modified by the requirements of Part 10 Chapter 5 Soil Erosion and Sedimentation Control; and side-walks, shall be in conformity with the standards set out in North Carolina Department of Transportation "Subdivision Roads, Minimum Construction Standards" including all subsequent amendments, a copy of which is incorporated and made a part of this ordinance.".

Section 13. Subsection 10-3049(a) of the Raleigh City Code is hereby amended to add a new paragraph, said new paragraph shall follow the second paragraph of 10-3049(a) as amended above and it shall read as follows:

"Notwithstanding the requirements of the foregoing two paragraphs, within a reservoir watershed protection area, all street construction, which shall include only paving width; paving construction; underground utilities; shoulder sections; except as modified by the requirements of Part 10 Chapter 5 Soil Erosion and Sedimentation Control; sidewalks, shall be in conformity with the standards set out in North Carolina Department of Transportation "Subdivision Roads, Minimum Construction Standards", including all subsequent amendments, a copy of which is incorporated and made a part of this ordinance.".

Section 14. Subsection 10-3049(g) of the Raleigh City Code is hereby amended to add a new subdivision 10-3049(g)(7) which shall read as follows:

"(7) Street crossings in reservoir watershed protection areas shall be as close to a perpendicular angle as possible.".

Section 15. Section 10-3049 of the Raleigh City Code is amended to add a new Subsection 10-3049(i) which shall read as follows:

"(i) Street grading. Unless required by any standard of this code, streets are to follow the existing contours of the site to reduce grading especially in reservoir watershed protection areas, conservation buffer zones, and for streets crossing watercourses.".

Section 16. Subsection 10-3052(b) is hereby amended to add two new sub-divisions, 10-3052(b)(6) and (7) which shall read as follows:

"(6) The natural watercourse is located outside watercourse buffer areas of reservoir watershed protection area.

(7) The standards in Section 10-5006(12), whenever applicable, are met.".

Section 17. Section 10-3052 of the Raleigh City Code is hereby amended to add a new Subsection, 10-3052(c), which shall read as follows:

"(c) Within reservoir watershed protection areas as shown on the official zoning map and reflected in the current comprehensive plan of the City of Raleigh, the first one-half inch of storm water which director or indirectly runs-off any public or private street or impervious surface in excess of §10-3059(a) shall be retained within the subdivision and either infiltrated into the soil, or evaporated into the air, or detained for a twelve hour time period. When retention or detention facilities serve more than one lot and are located on private property, they shall be located on a lot or lots which are as large or larger in size than the typical lot size within the subdivision and three shall be recorded a maintenance agreement which complies with §10-5007(c) for sharing the maintenance costs. There shall be recorded, after approval by the City, in the Wake County Registry a map of those lots and said map shall bear the following note:

"The devices which capture storm water located on this lot are required to be maintained by the property owner on his lot in accordance with the requirements of the Raleigh City Code.".

Section 18. The Raleigh City Code is hereby amended to add a new Section 10-3059 which shall read as follows:

"Sec. 10-3059. Regulations in reservoir watershed protection areas.

(a) Impervious surfaces coverage. The maximum amount of impervious surfaces for lots within subdivisions within any reservoir watershed protection area shall not exceed the following table. Calculations shall exclude all public and private streets and shall be based on the land area of the subdivision lots and any common areas within the watershed.

Primary Reservoir Watershed Protection Area

- six percent impervious coverage

Secondary Reservoir Watershed Protection Area

- where both City sanitary sewer and water services are not available or will not be available within four months after approval of the plat - twelve percent impervious coverage

- where both City sanitary sewer and water are available or will be available within four months after approval of the plat - thirty percent impervious coverage.

Impervious limitations can be increased in excess of these limitations if the storm water from the additional impervious surface in excess of the limitation is retained or detained in accordance with §10-3052(c).

For developments approved under Article D of this chapter, the above impervious limits shall apply to the entire development, not each lot individually. In this case, the subdivider, from the allowable amount of impervious surfaces, shall allocate for each lot within the subdivision the permissible amount of impervious surfaces for the lots. The minimum impervious allocation per lot for developments approved under Article D of this chapter shall also include impervious coverage of common areas other than private drives.

(b) Watercourse Buffer Areas. After the effective date of this ordinance ( ), watercourse buffer areas are established within all reservoir watershed protection areas. These buffer areas protect fragile environmental areas in reservoir watershed protection areas. Primary watercourse buffer areas are established adjacent to watercourses and secondary watercourse buffer areas are established over floodplains and slopes fifteen percent or greater adjoining watercourses.

Primary Watercourse Buffer Areas - No clearing, no construction and no land disturbing activity is permitted in this area except for required streets and associate facilities, utility mains only if the person submitting the plan shall show that sediment loss during and after the construction is less than that which would have been achieved if other locations outside the buffer were used and that the potential for stormwater infiltration within the site is equal to or greater than that which would have been achieved if other utility locations outside the buffer were used, and drainage facilities which comply with §10-5006(12)c.2. The boundaries of this area are as follows:

- Fifty (50) feet along each side of a watercourse draining twenty-five (25) acres or more of land.

- Twenty-five (25) feet along each side of a watercourse draining five (5) acres or greater, but less than twenty-five (25) acres.

The dimensions shall be measured perpendicularly to the flow of the watercourse, and horizontally from the edge of the watercourse banks,

except when no watercourse banks exist, in which case, the center line of the watercourse shall be used. The dimensions shall be established at the time of recordation of the final plat.

Secondary Watercourse Buffer Areas - All uses allowed in the applicable zoning districts are permitted in this area, pursuant to the regulations in 10-5006(12).

The boundaries of these watercourse buffer areas are illustrated on maps on file in the planning department, provided that more precise boundaries, established by topographic data from actual site surveys, or floodway fringe boundaries, established according to Chapter 4, shall control.

(c) Subdivision planning. The plans for subdivisions in reservoir watershed protection areas shall assure that:

(1) they are consistent with the need to protect water quality; and

(2) all public utilities and facilities are located and constructed to minimize or eliminate water quality degradation.

Cross reference - storm water run-off retention, detention and drainage facilities in reservoir watershed protection areas Section 10-3052(c).

Cross reference - zoning regulations Section 10-2067.

Cross reference - soil erosion and sedimentation control Section 10-5006(12).".

Section 19. Subsections 10-3071(b) and 10-2072(b) of the Raleigh City Code are amended to add at the beginning thereof the following language:

"Except in primary reservoir watershed protection areas shown on the official zoning map and reflected in the current comprehensive plan City of Raleigh,".

Section 20. Section 10-3071(b)(2)d of the Raleigh City Code is amended to insert before the word "but" the following: "or developments without city utilities in reservoir watershed protection areas".

Section 21. Subsection 10-3071(b)(6) of the Raleigh City Code is hereby amended to delete the first phrase therefrom which reads as follows: "Except in R-1 district,".

Section 22. Section 10-3074(a)(2)b2 of the Raleigh City Code concerning construction standards is repealed, rewritten and reenacted to read as follows:

"2. Storm drainage design shall be approved by the chief engineer, and all streets in reservoir watershed protection areas shall retain the first one-half inch of storm water in accordance with 10-3052(c).".

Section 23. Section 10-5003 of the Raleigh City Code is hereby amended to delete the parenthetical numbers numbered 1 through 26. Said section is further amended to add a new definition, impervious surface, said definition is to follow the definition of ground cover and shall read as follows:

"Impervious surface. An impervious surface is any material that significantly reduces and prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roof, patios, balconies, decks, streets, parking areas, driveways, sidewalks, and any concrete, stone, brick, asphalt or compacted gravel surface; necessary determinations about impervious surfaces will be based on hydrological tests based on existing subgrade soils, slope, rainfall intensity and rainfall duration.".

Section 24. The definition of "adequate erosion control measure" contained in Section 10-5003 of the Raleigh City Code is hereby amended to add immediately after the words "accelerated erosion" and the following language ", retains storm water,".

Section 25. The first sentence of Section 10-5006 of the Raleigh City Code is hereby repealed in its entirety, rewritten and reenacted to read as follows:

"No land-disturbing activity subject to the control of this chapter shall be undertaken except in accordance with all of the following standards, wherever there is a conflict between two or more of these standards the more stringent regulation is controlling.".

Section 26. Subsection 10-5006(1) of the Raleigh City Code is hereby amended to add a new sentence which shall be the last sentence of said subsection, and it shall read as follows: "Notwithstanding the foregoing sentence, no land-disturbing activity, except as permitted in Section 10-5006(12) shall take place within any watercourse buffer area in any reservoir watershed protection area unless it conforms to the requirements of 10-5006(12) and the provisions of this chapter.".

Section 27. Subsection 10-5006(10) of the Raleigh City Code is amended to add at the end of the first sentence the following: "but no relocation shall occur in watershed buffer areas in reservoir watershed protection areas". Said subsection is further amended to add a cross-reference following said subsection which shall read as follows:

"Cross reference - buffer zones for natural watercourses §10-5006(1) and §10-5006(12).".

Section 28. Section 10-5006 of the Raleigh City Code is hereby amended to add a new subsection, 10-5006(12) which shall read as follows:

"(12) Reservoir Watershed Protection Area Regulations.

Within reservoir watershed protection areas shown on the official zoning map and reflected on the current comprehensive plan of the City of Raleigh, primary buffer areas and secondary buffer areas are established.

a. Primary Watercourse Buffer Areas - Within the buffer areas established below, no clearing, no construction, and no land disturbing activities shall take place except for required streets and associate facilities, utility mains only if the person submitting the plan shall show that sediment loss during and after the construction is less than that which would have been achieved if other locations outside the buffer were used and that the potential for stormwater infiltration within the site is equal to or greater than that which would have been achieved if other utility locations outside the buffer were used, and drainage facilities which are permitted pursuant to this section.

- Fifty (50) feet along each side of a watercourse draining twenty-five (25) acres or more of land.

- Twenty-five (25) feet along each side of a watercourse draining five (5) acres or greater, but less than twenty-five (25) acres.

The dimensions shall be measured perpendicularly to the flow of the watercourse, and horizontally from the edge of the watercourse banks, except when no watercourse banks exist, in which case, the center line of the watercourse shall be used. The dimensions shall be established at the time of the recordation of the final plat or at the time of initial development if the recorded map fails to contain the delineation.

b. Secondary Watercourse Buffer Areas - Secondary reservoir watershed protection area buffers are illustrated in maps on file in the planning department, provided that more precise boundaries, established by topographic data from actual surveys, or floodway fringe boundaries, established according to Chapter 4, shall control. Within any secondary watercourse buffer, the following regulations shall apply:

- Land-disturbing activity shall not include more than twelve percent (12%) of the portion of a lot within a secondary watercourse buffer area.

- No land-disturbing activity shall take place on slopes averaging between fifteen percent (15%) to twenty percent (20%) closer than eighty (80) feet to the edge of a watercourse, and if the slope is greater than twenty percent (20%), closer than ninety-five (95) feet to the edge of a watercourse.

The Raleigh City Council shall allow land disturbing activities to exceed the standards in this subsection, 10-5006(12)b, provided that the person submitting the plan shall show that the potential for stormwater infiltration within a site, the control of stormwater velocity, and the restriction of sedimentation both during and after construction are equal to or greater than that which would have been achieved following standards in this section. The petitioner shall also prove to the City Council that adequate maintenance provisions are made to maintain the level of infiltration, velocity control, and sedimentation on the site.

c. Further regulations applying to both primary and secondary buffer areas.

Stormwater facilities are allowed within a watercourse buffer area only if constructed uses within the buffer area require the use of such facilities, or if the provisions of §10-5006(8)b. require facilities in the buffer area.

The following shall apply to storm drainage facilities installed within the buffer area:

i. The velocity of the stormwater shall not exceed a non-erodible velocity, according to Tables I, II, Chapter 15, "Standards and Guidelines for Erosion and Sedimentation Control", beyond the outlet of the storm drainage facility.

ii. Trees over 3-inch caliper which would be destroyed by installation of storm drainage facilities shall be replaced in the same general location, all to achieve the same effect as shown on an approved site plan. The replacement must be with trees of a minimum height of 10 feet; the height to trunk caliper or spread relationship of any trees shall meet the current "American Standards of Nursery Stock" set forth by the American Association of Nurserymen.

d. Stormwater retention or detention

Within reservoir watershed protection areas as shown on the official zoning map and reflected in the current comprehensive plan of the City of Raleigh, the first one-half inch of stormwater which directly or indirectly runs-off any public or private street shall be retained within the subdivision and either infiltrated into the soil, or evaporated into the air, or retained for a twelve hour time period. When retention or detention facilities serve more than one lot and are located on private property, there shall be recorded a maintenance agreement which complies with 10-5007(c) for sharing the maintenance costs. There shall be recorded, after approval by the City, in the Wake County Registry a map of those lots and said map shall bear the following note:

"The devices which capture stormwater located on this lot are required to be maintained by the property owner on his lot in accordance with the requirements of the Raleigh City Code.".

No device shall be installed except in accordance with the requirements of the Raleigh City Code.

e. Impervious surface coverage. Within reservoir watershed protection areas as shown on the official zoning map and reflected in the current Comprehensive Plan of the City, the maximum amount of impervious surface coverage is regulated. Applicable regulations for lots in existence prior to the effective date of this ordinance ( ) or lots established outside the subdivision process after that date, are set out in 10-2067(b). The applicable regulations for lots established through the subdivision process after that date are set out in 10-3059(a). Notwithstanding those limitations, impervious surface coverage can be increased if the stormwater from the additional impervious surface in excess of those established is retained or detained in accordance with 10-5006(12)d.".

Section 29. Section 10-5007 of the Raleigh City Code is hereby amended to add immediately after the word "adequate" appearing in the first sentence of Subsection 10-5007(a), the word "erosion". Said section is further amended to add immediately after the words "storm water velocities" appering in the quoted material of the second paragraph of Subsection 10-5007(b) the following language: ", storm water retention or detention devices,". Said section is still further amended to add after the word "impoundment" appearing in the first sentence of subsection 10-5007(c) the following: ", or retention, or detention".

Section 30. The first footnote following the table in §10-5009 of the Raleigh City Code is hereby amended to delete the period therefrom and to insert in lieu thereof the following: "; soil erosion and sedimentation control plans are required for any land disturbing activity in any reservoir watershed protection area".

Section 31. The first paragraph of §10-5009 of the Raleigh City Code is hereby amended to add a new sentence to follow the first sentence thereof which shall read as follows: "No permit shall be issued until the boundaries of any reservoir watershed protection area watercourse buffer area, which are adjacent to or encompass a work site, are staked clearly and accurately demarcated with stakes, ribbons and other appropriate means. The location and extent of all authorized land disturbing activity shall be similarly demarcated for so long as any land disturbing activity continues.".

Section 32. Subsection 10-6032(f)(2) of the Raleigh City Code is hereby amended to add immediately after the word "occur" the following words: "and the land disturbing activity is outside any reservoir watershed protection area".

Section 33. Section 10-6035 of the Raleigh City Code is hereby amended to add a new subsection 10-6035(f) which shall read as follows:

"(f) No permit authorized by this code shall be issued until the boundaries of any reservoir watershed protection area watercourse buffer adjacent to or encompassing a work site are clearly and accurately demarcated with stakes, ribbons and other appropriate means. The location and extent of all authorized land disturbing activities shall be similarly demarcated for so long as any land disturbing activity continues.".

Section 34. Section 12-6002(14) of the Raleigh City Code is relettered 12-6002(15) and a new section 12-6002(14) is enacted to read as follows: "(14) Any stormwater retention or impoundment device which is operating improperly.".

Section 35. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 36. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 37. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 38. All preliminary subdivisions previously approved by the City which may conflict with Sections 3, 4, or 5, may be recorded according to all provisions of this Code, including Section 10-3012, Procedure for Plat Approval.

Section 39. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in Raleigh City Code.

Section 40. Sections 8 through 22 of this ordinance have been filed with the Wake County Register of Deeds as required by law.

Section 41. Sections 23 through 31 of this ordinance shall become effective following their approval of the North Carolina Sedimentation Control Commission.

Section 42. The remaining sections of this ordinance shall become effective five days following the adoption of this ordinance.

Adopted: 3/5/85

***SUBDIVISION S-22-85 - COLD SPRINGS ESTATES CLUSTER DEVELOPMENT - APPROVED WITH CONDITION

Ms. Block indicated the Public Works Committee recommended approval of this subdivision contingent upon the property owners submitting a valid petition for annexation on behalf of the Public Works Committee, she moved that this recommendation be upheld. Her motion was seconded by Mr. Calloway. Ms. Block indicated the Committee had asked that approval of this subdivision be held until after approval of TC-270 as they wanted to make sure that the guidelines would be followed. The motion as stated was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

***NEW BERN PLACE HOUSING PROJECT - LAND PAYMENTS DEFERRED

Mayor Upchurch indicated the Downtown Committee recommends that the developer of New Bern Place be allowed to defer land payments to the City for five years. It is understood that money will be transferred from the Hillsborough Street Project to replace this anticipated income with the understanding the Hillsborough Street Project will be refunded from proceeds of the sale of the White-Holman House. On behalf of the Committee, he moved that the recommendation be upheld. His motion was seconded by Mr. Keller.

Ms. Cates indicated she had a number of questions about this. She stated she is committed to the New Bern Place Housing Project but she does have problems with it being tied to the Hillsborough Street money. She stated she did not know when the White-Holman House will be sold, how much it will be sold for or whether the litigation involving the White-Holman House has been solved. City Manager Benton indicated we are in a very unusual arrangement with the White-Holman House and there has been an honest effort to obtain an evaluation and get the technicalities resolved. He stated he is uncertain as to how much it will cost .to absolve the present arrangement. He stated we do have to relocate the structure and do some minor modifications to the foundation and curtain wall and at that point, we expect to offer it for sale. He stated it is hoped that we will get more than $90,000 for it, but he could not say when the house will be sold. He explained the demand has been strong for this type facility in this area. He pointed out the cash as it

relates to the City's downtown development projects is pretty tight because of the number of projects we have under way. Ms. Cates indicated she has some problems with having to provide incentives to sell New Bern Place, but she definitely has problems with taking the Hillsborough Street money and the replacement of it being contingent upon the sale of the White-Holman House. Therefore, she would move that the developer of New Bern Place be allowed to defer land payments to the City for 5 years, with the understanding that the money will be transferred from the Hillsborough Street project to replace the anticipated income from the sale of the property but with the understanding that the $100,000 for the Hillsborough Street project would be replaced in the next year's budget, that is, not let the Hillsborough Street project be tied to the sale of the White-Holman House. Her motion was seconded by Ms. Block.

Mr. Walters indicated he felt all Council Members are committed to completing the Hillsborough Street project, but he did feel the City committed itself to subsidies, to the extent possible, the New Bern Place project. He stated in his opinion, there is no question that we will get far in excess of $90,000 from the sale of the White-Holman House and we will get that money long before it is needed for the Hillsborough Street project. Ms. Babb agreed that everyone is committed to the Hillsborough Street project and if we come to the point of actual work on Hillsborough Street, she feels that the Council will find the money, if the money has not come in from the sale of the White Holman-House. After brief discussion, the substitute motion, made by Ms. Cates, was put to a vote which resulted in everyone voting in the negative except Ms. Block and Ms. Cates, who voted in the affirmative. The Mayor ruled the motion adopted. The original motion to uphold the recommendation of the Downtown Committee was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***WILMINGTON STREET PARKING DECK/TRANSFER POINT - PROCEDURE AUTHORIZED; ADMINISTRATION TO ADVISE IMPACTED BUSINESSES

Mayor Upchurch indicated the Downtown Committee recommends that the City move forward as soon as possible on the construction of the Wilmington Street parking deck/transfer point. It is understood this will involve the demolition of the existing parking deck prior to construction commencing so that the complete site would be free and clear. This will shorten the construction period approximately two months and save some $450,000 in construction costs. It is understood that the City will set up a bus shuttle system from the Wilmington Street area to the City parking deck and/or underground parking facility for those displaced parkers to rent spaces in those facilities. Mayor Upchurch indicated in addition, Administration should contact the various businesses that are concerned and explained this to them, pointing out he is talking about the financial institutions and the large businesses that will be affected by the displaced parking. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE RALEIGH TRANSIT AUTHORITY

***FEDERAL FUNDS - POSSIBILITY OF CUTS - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

The American Public Transit Association has asked the Transit Authority to voice its concern over the President's proposed budget cuts in transit funds. A draft letter has been prepared and approved by the Transit Authority which describes the impact the proposed cuts would have on CAT and the City budget. It attempts to express the City's feelings concerning the proposed changes. A copy of the draft letter and other OMB proposed cuts were included in the Agenda packet.

The Transit Authority recommends that City Council write President Reagan, Senators Helms and East, and Congressman Cobey, setting out the City's position on this matter as described in the draft.

Mayor Upchurch indicated he had asked the City Manager to draft a resolution relative to the possibility of cuts in other Federal programs. Transportation Planner Barham indicated the Transit Authority does have concern about the proposed cuts in transit funds as it relates to operating and capital. He stated, however, the Transit Authority wanted to follow the Council's policy and not make statements on behalf of the City of Raleigh, therefore the item was brought to Council. Mayor Upchurch pointed out we are facing drastic cut backs in revenue sharing, block grants and other Federally funded programs. Ms. Block indicated she feels the letter needs to be rewritten and combine the resolutions into one resolution. Mr. Calloway indicated he felt the resolution drafted for the Mayor is a good resolution, says what we want it to say, expresses the urgency of these programs; therefore, he would move that we adopt the resolution presented by the Mayor and forward it with the appropriate cover letter. This did not receive a second. Lengthy discussion took place on how the Council should approach Congress with the various concerns, what has gone on in the past as far as cut backs in Federal funds, the City's need to be in a posture of give and take. Each Council Member voiced their opinion and how it should be approached. Other discussion took place on the needs to balance the budget, the deficits and the need for the City to realize funds will be cut and the ideas being put forth by the present Federal Administration as it relates to fair share and the need to stay out

of partisan politics. Mr. Congleton moved the matter be referred to Intergovernmental Committee. His motion was seconded by Mr. Keller and put to a vote which passed unanimously.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***ANIMALS - 1805 WHITE OAK ROAD - PUBLIC NUISANCE DECLARED

William Dubrick, 1803 White Oak Road, was at the meeting indicating he is the owner of the dogs in question. He pointed out there are some unusual circumstances involved. He stated a fire occurred at his home, doing over $50,000 damage; therefore, he and his mother had to find other housing while the repairs were being made. He stated it has taken longer than usual, as the contractor doing the work stopped, the insurance proceeds to pay for rental housing ended; therefore, he found a room for his mother, living with a friend. He stated he rented a room next door and at that time, put a pen in the backyard of 1805 White Oak Road. He stated he tied the dogs with 10 foot leads, etc. He indicated he is concerned in that someone has been turning his dogs loose, in addition, people come into the backyard from the bar across the street to smoke pot or urinate and throw beer cans at the dogs. He stated he has witnessed a teenager walking through throwing rocks at his dogs. He stated he can understand complaints about barking but explained if he were able to live in the house, his mother would be there during the day and at nights she could go out and quiet the dogs down, if needed. He stated during the night, the dogs have always stayed inside. However, because they cannot live in their home, they cannot bring the dogs in. He stated in addition, recently he came home and his dogs were quiet but other dogs in the neighborhood were barking. He indicated the Humane Officer came out and was told by people working at his house where the barking dogs were located. However, they were checking on his dogs rather than other neighborhood dogs. He stated because of the unusual circumstances, he is appealing Administration's recommendation that the animals public nuisance.

Police Attorney Dawn Bryant explained that this is the first complaint to come under the new ordinance. She explained the allegation is the dogs bark excessively. She explained the procedure followed, that is the Human Officers checking, investigating, interviewing neighbors, etc. She stated Council Members have been furnished information relative to the complaints and the results of the investigation. She indicated in addition, while to officers were doing their investigation an animal was found running at large. She stated after the investigation was completed, the facts were gone over and the Police Department drew the conclusion that when most of the people interviewed indicate the dogs do bark excessively; therefore, the dogs are a public nuisance. She indicated at that point, the Police Department sent the owner a registered letter telling him he had seven days to abate the nuisance and Mr. Dubrick has appealed that order. She explained the new Public Nuisance Animal Ordinance, pointing out prior to this ordinance, that the owner could be cited because of the problem but the City had no way to require that the nuisance be abated. She stated at this point, the ball is in the court of the City Council as it is the Council's responsibility to determine if this is a nuisance. In response to questioning, Attorney Bryant indicated in the beginning there were four dogs in the pen, but now there are only two dogs. Mr. Dubrick indicated while he was living at the rental property, his dogs did have puppies. He stated he was able to get rid of all of the puppies but two and after he moved back to the White Oak Road address, he gave the two remaining puppies to the SPCA after efforts to find them a home were unsuccessful. Mr. Dubrick indicated the fire at 1805 White Oak Road occurred February 15, 1984. Attorney Bryant indicated her office began receiving complaints in December, 1984. Ms. Block indicated that the barking during the investigation could have been because of strangers in the yard. She pointed out most dogs bark for one of two reasons: (1) they are unhappy or (2) because someone is bothering them. She questioned if this problem existed before the fire occurred.

Ron Normark, 1811 White Oak Road, indicated he had not heard the dogs prior to the fire. He stated the problem started when the dogs were put in the pen and the owners not living at the house. He stated he has a dog, loves animals; therefore, was reluctant to complain. He stated he did talk to Mr. Dubrick about the problem and Mr. Dubrick explained that people were letting his dogs loose but he did not think that that was the case. He indicated they are nice dogs, they just bark all the time. He indicated Mr. McQuire, who filed the complaint, is a tenant at his house and has indicated he will have to move if the dogs are not quietened. He stated he thinks the problem is that the black dog just does not want to be penned. He stated, in his opinion, the only way to solve the problem is to debark the dog.

Pam Flattery, 1813 White Oak Road, indicated the dogs bark all the time. She stated every time the dogs did bark at night, her husband would call Mr. Dubrick and wake him up and then the dogs would quit barking, with Mr. Dubrick indicating he had never been called. Ms. Flattery indicated her husband called someone and minutes after the telephone calls, the dogs would quit barking. Mr. Dubrick pointed out Mr. Normark did speak to him once about the problem, indicating all of the neighbors were upset. He stated he gave Mr. Normark his home phone number and his work phone number and told him to have people call him to discuss the problem, but he had never received any phone calls from anyone. Ms. Block questioned when the repairs to the house will be completed, with Mr. Dubrick pointing out he had been in litigation with the first contractor. He stated; however, he thinks it will be about 8 more weeks before work can be completed on his house. Ms. Block questioned if Mr. Dubrick could make arrangements for the dogs to stay somewhere else until he and his mother could get

back in the house, pointing out many times when dogs are in a strange situation, they will bark. Mr. Dubrick indicated he did not know of any other arrangements he could make and he could not afford to put them in a kennel until he could move back in the house. He stated when he gets back in the house he feels the situation will be better, as they will keep the dogs in the house at night and his mother will be there to quieten them in the daytime. Mr. Walters indicated he is in sympathy, pointing out if he were not at his place of residence, his dogs would probably bark also. He stated dogs are going to bark, but the only thing before the Council is whether there is a nuisance or not and if there is a nuisance, then the ordinance would take effect. He stated he feels there is a nuisance and the owner should abate that nuisance.

In response to questioning, City Attorney McCormick indicated the Council, at this point, could continue the hearings for further deliberation, find that there is a nuisance and if that is determined, then the owner would have seven days to abate the nuisance. He indicated the nuisance could be abated by a number of ways: taking the dogs to the country, putting them in the kennel, putting them in the house, or whatever to keep them from barking. He stated if the nuisance is not abated at the end of 7 days, then the Police could confiscate the dogs. He stated another finding the Council could make is that there is not a public nuisance. Ms. Block moved that the Council continue the hearing while they think about this, pointing out it is a new procedure. Mr. Keller indicated he feels a nuisance does exist and he feels we should follow the procedure. He stated he has had dogs most of his life and he feels it is his responsibility to keep them quiet. He indicated he is sympathetic with Mr. Dubrick, as he has stated he is trying to keep the dogs quiet, but trying is not enough. Therefore, he would move that the City Council find that a nuisance does exist because of the barking dogs at 1805 White Oak Road and that the procedure be followed. His motion was seconded by Ms. Babb. Ms. Block indicated she feels we need to temper justice with mercy, therefore, she would make a substitute motion that we continue this hearing. Her substitute motion was seconded by Mr. Calloway. The substitute motion to continue the hearing was put to a vote with everyone voting in the negative except Mr. Calloway and Ms. Block who voted in the affirmative. The Mayor ruled the motion defeated. The original motion to declare the barking dogs at 1805 White Oak Road a nuisance was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

***PARK LAND ACQUISITION - PROPOSED PROGRAM - REFERRED TO WORK SESSION

City Manager Benton indicated Council Members received in their Agenda packet a report entitled, "1985-1990 City of Raleigh Short-Range Park Land Acquisition Plan". The report was dated March, 1985. City Manager Benton briefly explained the plan, as outlined in the following cover memorandum:

This plan recommends the acquisition of park land during a five-year period beginning with this fiscal year (FY 84-85). This plan has been developed to address existing needs for park land acquisition and is not a long-range Park and Recreation Plan for the City of Raleigh. It is, however, part of a foundation for such a comprehensive plan. Such a plan should be undertaken and completed by the City by mid 1986 as part of the Comprehensive Plan update. This short-range land acquisition plan is proposed to guide the expenditure of $300,000 per year for the next five years. This spending level was adopted by Council in the FY 84-85 Budget and 5-year Capital Improvements Program.

The first step in this analysis was to develop a method of evaluating "needs" in the City. This plan identifies alternative locations in "areas of need" throughout the City. It recommends a general method for purchase and identifies other possible ways to acquire land. Criteria to be used in site selection and land characteristics for each area to be considered are included.

Citizen involvement has been solicited through the district plan updating process and through the Parks and Recreation Advisory Board. The work on site identification recently completed by the Parks and Recreation Advisory Board is used as a part of the foundation of this plan.

Methods for identifying sites include analyses of the recent growth of population and land use changes in the City. Changes in areas under consideration for annexation and policies included in the City's Comprehensive Plan concerning future growth were also used. Park land deficiencies in existing areas of the City as well as expected deficiencies in areas of future expansion are identified.

The following goals and objectives are proposed under this plan:

1. This plan will act as a foundation for later completion of the overall Comprehensive Parks and Recreation Plan update.

2. This plan is to aid in the acquisition of well designed, properly located open spaces which can be adequately maintained.

3. The focus of park land to be acquired under this plan will be on neighborhood parks (in the range of 8 to 25 acres in size).

4. These neighborhood parks should be accessible to serve a population within a radius of up to one-half mile. This is a key factor in the need assessment element of this report.

5. The land to be acquired must be suitable for facilities that may include neighborhood meeting centers, picnic areas, multi-use courts, ball fields, tot lots, tennis courts, adequate parking and special facilities as needed.

Ms. Block indicated she feels this is a good plan but the thing that she feels is lacking is a concept which we should immediately start considering and that is the fact that the County has a park program also and the City of Raleigh is a part of that program. She questioned what our policies are going to be in the future. Are we going to continue to grow and provide an urban system of parks and continue to pay tax or are we going to be a part of the County park-wide system. Ms. Cates indicated she feels this is a good report but has a little problem as it relates to Page 10 of the report as it speaks to the four areas inside the Beltline. She indicated she feels the best way we can keep park land from being in the deficit position is to purchase it. She indicated she did not think we had a working relationship with the School Board nor the County government as it relates to purchasing park land. She stated she would like to ask the Real Estate Committee to look at which of these areas want active recreation, pointing out some of the areas may not want active recreation, with Mr. Walters agreeing that there are some areas that do not want active parks. He indicated as far as east Raleigh is concerned that Longview Gardens was probably one of the first subdivisions in the City and they were told that they were going to get a park and they are still looking for a park. He stated there is a good area right next to Enloe High School he feels we should look at. Mayor Upchurch indicated because of the magnitude of this report, he would suggest that it be referred to Work Session and then maybe at that time, to Real Estate Committee. Mr. Congleton indicated he felt it was a very good report, pointing out that Ms. Cates' statement that we will not be able to work in a coordinated effort with other governmental units bothers him as he feels we can work with the School Board and the County to come up with a coordinated parks system, with Ms. Cates indicating it just doesn't seem to move very fast. Ms. Babb moved that the report be referred to Work Session. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ROAD BOND - PROPOSED CONSTRUCTION PROGRAM - REFERRED TO WORK SESSION

Department of Transportation Director Blackburn presented a report entitled, "Implementation Program for Thoroughfare Improvements", dated March, 1985. He went through the report in detail. City Manager Benton summarized the proposed projects which were divided into three packages, potential future projects, and identification of new additional improvement needs. He went through the summary of recommendations, utilizing slide presentations of maps, etc., included in the report.

Brief discussion took place relative to when the State's Transportation Improvement Program hearing will be held. Ms. Cates indicated she wanted it made perfectly clear that the additional lanes on the Beltline should be from North Boulevard to Lake Boone Trail, with Mayor Upchurch indicating where we need the lanes are between I-40 and U. S. 64 East. Administration was asked to provide Council with information on the TIP hearings. Other discussion took place relative to the funding that is in place or proposed. Mayor Upchurch indicated there are several major issues in this program that have not been discussed. Therefore, he feels it would be good to refer the total program to Work Session. Ms. Block indicated the development regulations as outlined on Page 3 should be referred to Public Works Committee, with Mayor Upchurch indicating he feels that it should be referred to Work Session first, so that everyone can understand what is being proposed. Mr. Walters moved that the Proposed Implementation Program for Thoroughfare Improvements be referred to Work Session. His motion was seconded by Ms. Babb. Mr. Benton pointed out we have to work with the State as we cannot solve the transportation needs in the City alone no matter how much money we spend. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***PERSONNEL - PROJECT MANAGEMENT SECTION IN ENGINEERING DEPARTMENT - AUTHORIZED

A number of new City construction projects are authorized. The present staffing and organizational structure is inadequate to meet the management responsibilities associated with these projects.

It is proposed that a Project Management Section be created in the Engineering Department. The section would include two new positions of Projects Administrator at Pay Grade 40 and an Engineering Technician at Pay Grade 32.

The annual cost of these two positions at the current pay plan is $43,924. It could be higher based on the pay grade at which a person is hired. The estimated cost for the remainder of FY 84-85 (four months) is $14,650. These estimates are for only direct salary costs and do not include fringe benefits.

Recommendation: That the two additional positions be approved with the following budgetary appropriations for FY 84-85 and the necessary transfer from Council Contingency.

Salaries	$14,650.00
Office Furniture	4,500.00
Auto	6,500.00
	$25,650.00

Ms. Cates moved the recommendation, as outlined, be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 506TF17.

***PHOSPHATE BAN - COUNCIL RESOLUTION ADOPTED

At the previous Council Meeting, Administration was requested to prepare a resolution for Council consideration on the subject of use of phosphate free detergent. In addition, Administration was requested to provide the cost estimate for removing phosphates in the treatment process.

Included in Council Members' Agenda packet was a proposed resolution and a summary of costs which would be related to the removal of phosphates through the treatment process. Ms. Block moved adoption of the resolution as presented and that it be forwarded to the appropriate bodies. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 742

A RESOLUTION OF THE RALEIGH CITY COUNCIL SUPPORTING A STATEWIDE REQUIREMENT TO USE PHOSPHATE-FREE LAUNDRY DETERGENTS AND A STATEWIDE ENFORCEMENT PROGRAM TO ASSURE COMPLIANCE.

WHEREAS, North Carolina has been blessed among the states of this great nation by its natural abundance of beneficial fresh water supplies; and

WHEREAS, fresh water is important to every citizen of the state because it is used for personal consumption, in industry, throughout the economic structure and for many recreational uses; and

WHEREAS, the existence of excess nutrients in the state's fresh water threatens the existence of a water supply which can be enjoyed and used by the people because it creates and promotes algae growth which consumes an inordinate supply of oxygen from the water to the detriment of all other aquatic plant and animal life; and

WHEREAS, phosphorus is a prime nutrient causing the unnecessary and prolific growth of algae in the state's fresh water; and

WHEREAS, most phosphorus found in the state's fresh water is not naturally occurring, but rather is there because of the activities of man living and working in society; and

WHEREAS, the removal of phosphorus by wastewater treatment plants is in an expensive process which would cost the City of Raleigh $10 million in capital costs and $0.9 million in annual operating costs, in addition to creating large quantities of additional sludge which would require disposal through some process, resulting in a 43% increase in retail sewer rates; and

WHEREAS, the fresh water of the state is a huge, integrated system which requires water quality management at the state level; and

WHEREAS, approximately 25% of the phosphorus occurring in the state's fresh water exists because of the use of phosphate laundry detergents, even though no detrimental effects have been shown to occur when safer non-phosphate detergents are used;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the State of North Carolina be urged to enact appropriate regulations which would require the use of phosphate-free laundry detergents and that the state create and implement as expeditiously as possible, an enforcement organization to assure statewide compliance.

Adopted: 3/5/85

IMPACT OF PROSPHORUS REMOVAL FACILITY UPON

CITY OF RALEIGH WASTEWATER RATES

Service	Current Rate	Subsequent Rate	Percent Increase
Retail Consumption-Inside City	$ .5412/CCF water	$ .7732/CCF water	43%
Retail Consuption-Outside City	.7545/CCF water	1.1431/CCF water	52%
Non-metered Consumption-Inside City	4.66/Mo.	6.28/Mo.	35%
Non-metered Consumption-Outside City	6.15/Mo.	8.87/Mo.	44%
Wholesale Consumption	.0609/CCF	.0794/CCF	31%
Wholesale BOD5	.2480/Lb.	.3132/Lb.	26%
Wholesale SS	.0344/Lb.	.0420/Lb.	23%
Wholesale Transportation	.0209/CCF	.0221/CCF	10%

Assumptions:

1. Capital Cost - $10,000m000
2. Financed by 10-year Lease-Purchase Agreement at 8.5% APR
3. Municipalities do not participate in initial project financing.
4. No grant funds available.
5. Annual Operating Cost - $900,000
6. Applied to FY-85 Operating Budget
7. Current Rates indicated are those generated for FY-85, whether or not enacted
8. Only those rates impacted are shown
9. The computerized rate generation program allocates costs input in a complex formula resulting in the various direct and indirect rate impacts indicated above.

***ANNEXATION PROGRAM - PROPOSED REPORTS - ADOPTED

City Manager Benton indicated the Council has approved hearings on nine proposed annexation areas. He indicated the next step is that the official annexation reports be considered and adopted at a Council meeting. Upon adoption of the reports, they would be available through the Clerk's office. Council Members received copies of the reports in their Agenda packets. The areas of consideration are as follows: Lake Lynn residential; Village on the Green; Crown Oaks, Summerfield North, Weathersfield; The Landings at North Ridge; Riverbirch Township; Sommerset/North Market Square; North Boulevard Commercial; Tryon Road Industrial/ State Complex; Farm Fresh Commercial.

Recommendation: That the annexation reports be adopted as presented. Mr. Calloway moved adoption of the reports as presented. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 733

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 16, 1985:

LAKE LYNN RESIDENTIAL

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (1985) 734

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 16, 1985:

VILLAGE ON THE GREEN

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (1985) 735

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 16, 1985:

CROWN OAKS, SUMMERFIELD NORTH, WATERSFIELD

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (1985) 736

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 16, 1985:

THE LANDINGS AT NORTH RIDGE

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (1985) 737

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:.

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 16, 1985:

RIVERBIRCH TOWNHOUSES

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (9185) 738

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 18, 1985:

SOMERSET, NORTH MARKET SQUARE

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted: 3/5/85

RESOLUTION NO. (1985) 739

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the report on the following area, as provided by and prepared in conformity with G. S. 160-47, be and the same is hereby approved for consideration at the public hearing on the proposed annexation of such area which has been fixed for the date of April 18, 1985:

NORTH BOULEVARD COMMERCIAL

Section 2. That such report shall be made available to the public in the office of the City Clerk.

Section 3. That the appropriate City employees are authorized to prepare additional copies and a summary of such report for the public distribution.

Section 4. That this resolution shall become effective immediately upon its

***ANIMAL TAG FEES - FUNDS APPROPRIATED TO PAY VETERINARIAN COSTS

The City pays veterinary hospitals $.75 for every animal tag they sell. For the current year, we budgeted $2,500 for this purpose; however, this was before the Cat Tag Ordinance was passed and thus the extra enforcement effort. There has been a substantial shortfall in this account. Of course, there is a substantial increase in revenues from increased sales activity.

Recommendation:

That an additional $7,500 be transferred from Council Contingency into our Dog Tag Fee account to allow the City to make payments due the various hospitals.

From:		
01-2-1040-0001	Contingency	$7,500.00
To:		
01-2-3020-0270	Dog Tag Fees	$7,500.00

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates. Mr. Walters suggested the possibility of handling this as hunting licenses are handled, that is, that the agency selling the license deduct their fee prior to submitting it back. City Manager Benton indicated this could be considered with Mr. Walter pointing out it would save a lot of paperwork, check writing, etc. The motion, as stated, was put to a roll call vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***TH

OROUGHFARE CONFLICT - BOULEVARD/TRAWICK ROAD - REFERRED TO REAL ESTATE COMMITTEE

The City has received a request for a building permit at 3026 North Boulevard. This building would block an open corridor which runs from Trawick Road east of North Boulevard to Huntleigh Drive. This corridor has been considered as a possible solution to some of the traffic problems on North Boulevard associated with access from side streets onto U.S. 1, including the dead end conditions of Huntleigh Drive behind Heckinger's that the Council has asked Administration to review.

Recommendation:

That this building permit request be placed in the Real Estate Committee for further study of the Council request. Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TRANSIT FACILITY - GRANT MODIFICATION - APPROVED

City Manager Benton indicated in making the plans for the Transit Facility/Parking Deck we had been trying to utilize some of the property that will be required for the Transit Facility for extension of the parking deck over the area. He indicated this involves the third lane in the Transit Facility. He stated we are having some difficulty because of the overlapping of these projects. Therefore, to reduce the uncertainty, Administration recommends that we eliminate the third lane of the Transit Facility as a bus aisle from the grant application so that the Transit Facility and the parking deck would not be tied together. He stated we will be acquiring the land as a part of the parking deck acquisition and could be used later on if needed for the third aisle of the Transit Facility. Mr. Walters moved Administrations recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SANITARY SEWER EXTENSION - TURKEY CREEK - AGREEMENT AUTHORIZED

City Manager Benton indicated at a recent meeting the City Council approved in concept an agreement concerning the Turkey Creek sanitary sewer line. He indicated the project was approved in concept and the City Council authorized Administration to proceed with the development of the agreement. He stated the agreements have been received and they are consistent with the approval granted by the Council on February 5. He stated, however, one item needs to be added, that is, when there is a prepayment of acreage fees on a tract of land and subsequent rezoning occurs, that the acreage fee should be adjusted accordingly. Mr. Walters moved that the agreement, with the amendment made by Mr. Benton, be approved. His motion was seconded by Ms. Babb and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

***NONE

REPORT OF MAYOR AND COUNCIL MEMBERS

***PERSONNEL - COMMENTS RECEIVED

Mayor Upchurch indicated he read recently where Councilman Arthur Calloway and Assistant City Manager Lawrence Wray were honored. Councilman Calloway was honored for his involvement in religious and political activities and Mr. Wray was honored for his involvement in City Government.

Mayor Upchurch indicated on behalf of the Council, he would like to express a personal note of appreciation for City Manager Benton and his staff for the extra effort they put forth in the reception for the Legislative delegation. He indicated he thought the event was very well received and this was in part by the involvement of the City staff.

***SCHOOL BOARD TASK FORCE - NAMED - CHARGE GIVEN; VARIOUS SCHOOL BOARD CONCERNS - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated several items recently came up in a meeting between the School Board and the City Council. He indicated first, he would like to suggest the appointment of a committee to work with members of the School Board to consider mutual benefits and uses of the Fletcher Park. He indicated the purpose of this committee would be to evaluate the existing uses and proposed uses which are being considered for the City owned property known as Fletcher Park and the school property known as the Broughton High School site. In addition, the Committee would consider public recreation and public school uses which could be developed in a complimentary approach and make recommendations to the City Council and the School Board. He indicated this would be an Adhoc-type committee and, hopefully, the task could be completed no later than September 1, 1985. He stated he would appoint Mr. Walters as Chairman, Ms. Cates, Ms. Babb and Fred Fletcher. He stated these people would work with the Committee appointed by the School Board.

Ms. Cates questioned if the Mayor had approached Fred Fletcher about serving on the Committee, pointing out he seems a little timid about getting involved with Fletcher Park, since it is named after him. Mayor Upchurch indicated he had not but would contact Mr. Fletcher. By general consensus, the Committee was accepted.

Mayor Upchurch indicated he would also like Administration to appoint a City staff member to work with a School Board staff member to provide a channel of communications between the two bodies. He indicated in addition, these persons could consider school safety as we develop transportation improvements and communicate pertaining to planning matters.

Mayor Upchurch also asked Administration to review the School Board's bond proposal and make a recommendation on the approach the Council should take in support of the bond issue.

Mayor Upchurch indicated the School Board had questions as to when Cablevision of Raleigh would be in the position to televise School Board meetings. Without objection, these items were referred to Administration.

***DOROTHEA DIX PROPERTY - REFERRED TO DOWNTOWN DEVELOPMENT CORPORATION TO WORK WITH COMMITTEE

Mayor Upchurch indicated recently the Downtown Development Corporation met and Jim Graham made a report on his plan for the Dorothea Dix property. He indicated, at this point, he would request Administration to forward to each member of the Council of State a copy of our plan, including an executive summary placing emphasis on the economic value to the State and the City. He pointed out in response to Commissioner Graham's public comments in which he stated he would consider alternate sites if they were prepared, he would recommend that this be referred to the Downtown Development Corporation to review and report back within 60 days. He stated he would also request that Chuck Wachtel, Carlton Midgette and Michael Hager assist the Downtown Development Corporation as it relates to alternate locations. Mr. Walters moved the Mayor's recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ZONING - INTENSITY STANDARDS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Ms. Block indicated during the review of the O&I text change, she realized that we need to have some intensity standards as it relates to O&I development. She indicated she feels that the Council needs to know how high buildings will be, land coverages, etc., when rezoning is taking place, particularly when we are talking about O&I zoning and utilizing it as a transitional zone. She stated she would like this item referred to Public Works Committee. Without objection, the item was so referred.

***LITTER - COMMENTS REFERRED TO ADMINISTRATION

Ms. Cates indicated during the last meeting, there was some discussion about the litter in the City of Raleigh. She stated she plans to bring it up every meeting until something is done to correct the situation. She pointed out in riding through the City recently, she did not see a single sign about the penalty for littering. She questioned if the signing is a State responsibility or a City responsibility. She pointed out if it is a State responsibility we should question how to get the signs erected and request that some be erected throughout the City and on the Beltline. She indicated she liked Mr. Congleton's idea about a clean-up day, pointing out she knew that we had a clean-up month scheduled, but she feels that we should concentrate on this problem and get something done. Without discussion, the item was referred to Administration.

***TRANSPORTATION - BRIDGEPORT DRIVE - REFERRED TO ADMINISTRATION

Mr. Congleton presented the City Manager a letter from a citizen asking about Bridgeport Drive, that is, whether it should be a connector street or should not be a connector street. Without comment, the item was referred to Administration.

***PARKS AND RECREATION - AVAILABILITY OF SKATEBOARD PARK - REFERRED TO ADMINISTRATION

Mr. Congleton indicated there has been considerable concern lately regarding the availability of a skateboard park in the City of Raleigh. He pointed out he understood people are putting together a petition advocating that the City have a skateboard park. He asked that Administration look at the idea of a skateboard park, cost involved, whether it is a possibility, etc.

***SCHOOL BOARD PUBLIC HEARING - COMMENTS TO BE PRESENTED

Ms. Babb indicated Bernadine Weddington had pointed out that the Wake School System is having public hearings within the next week. She indicated in light of the Committee that the Mayor appointed earlier today, the Council may want to have someone go to those hearings and express the City's concern about park usage, the possibility of joint uses, coordinated efforts, etc. It was agreed that Mr. Walters would make statements at the public hearing.

***TR

AFFIC - PROBLEMS ON PRICE STREET - ADMINISTRATION COMMENDED

Mr. Keller indicated he would like to publicly commend Mr. Blackburn and the Department of Transportation for their handling of the situation on Price Street. He indicated this has been a continual problem and the Department of Transportation has done a good job on following up and making recommendations to solve the problem. He indicated the no-parking that was established earlier today, he feels, will help and pointed out the students are on spring break this week; therefore, it would be a good opportunity to get the signs up.

***TRIANGLE J COG - QUESTIONNAIRES TO BE COMPLETED

Mr. Walters asked that all Council Members complete the questionnaires for the Triangle J COG.

***TRAFFIC - LORD BERKLEY/CLARENDON CRESCENT AND SPEEDING ON EAST STREET - REFERRED TO ADMINISTRATION

Mr. Walters indicated he knew that the City Manager and Administration have been looking at the potential traffic problems at Longview Gardens Shopping Center. He indicated the traffic light at Lord Berkley/Clarendon Crescent seems to serve no purpose any more and maybe it could be moved.

Mr. Walters indicated he would like for Administration to again check East Street, as he has had a couple of complaints that speeding on East Street is becoming a problem again. Without objection, the two items were referred to Administration.

***TRAFFIC - NO PARKING ON HARGETT STREET - REFERRED TO ADMINISTRATION

Mr. Calloway pointed out Mechanics and Farmers Bank on Hargett Street has just completed their expansion program. He indicated in talking with the manager, the manager had questioned if two or three additional short-term parking spaces could be placed on Hargett Street in front of their facility. Without objection, the item was referred to Administration.

***ROCK QUARRY/CROSS LINK ROAD - ADMINISTRATION TO CHECK DUST PROBLEM

Mr. Calloway indicated he had received several complaints concerning the construction of the shopping center at Rock Quarry/Cross Link Road. He indicated there seems to be a large accumulation of dust and dirt on the road as a result of the construction project. Without objection, Administration was asked to check.

LABOR ZONE - WEST CABARRUS/HARRINGTON STREET - ADMINISTRATION TO CHECK

Mr. Calloway indicated the labor zone at the corner of West Cabarrus and Harrington Streets is an eyesore. He indicated in addition to being an eyesore, several of the windows are broken. Administration was asked to look at this.

***MARTIN LUTHER KING - OBSERVANCE - CHANGED TO APRIL 4

Councilman Calloway indicated some years back, the City Council declared a day of observance as it relates to Martin Luther King. He indicated the minutes state that the day of observance should be April 6; however, the correct day is April 4. Without objection this correction was agreed on.

***TRAFFIC - PARKING PROBLEMS ON NAZARETH STREET - REFERRED TO ADMINISTRATION

Ms. Block indicated earlier in the day, the Council voted to prohibit parking on certain portions of Price Street. She indicated what is going to happen is that the students that have been parking on Price Street will just move around to Nazareth Street. She indicated the residents on Nazareth Street tried to get the residential permit parking established but couldn't because they do not have 8 continuous blocks. She asked Administration to look at the possibility of two-hour parking on Nazareth Street, pointing out students are coming in on Monday and parking until Friday. Without objection, the item was referred to Administration.

***SPRING PARK - COMMENTS RECEIVED

Ms. Block read from the Parks and Recreation Advisory Board minutes relative to the discussion they had and a proposal for the upgrading of Spring Park. She indicated the minutes indicate that a motion was made to put $40,000 in the budget and that it be transferred from Fletcher Park to Spring Park; however the minutes refer to Spring Road Park rather than Spring Park and she wanted to Council to realize that the motion was made as it relates to Spring Park, not Spring Road Park.

***COUNCILPERSON BLOCK - EXCUSED FROM NIGHT PORTION OF THE MEETING

Ms. Block indicated she would like to be excused from the night portion of the meeting. Without objection, she was excused.

***MI

NUTES - FEBRUARY 19 - APPROVED AS AMENDED; SIDEWALKS ON WESTERN BOULEVARD - REFERRED TO INTERGOVERNMENTAL COMMITTEE

The City Clerk presented the minutes of the February 19, 1985 Council Meeting. Ms. Cates pointed out that the name Alicia Wright's name was incorrectly spelled in the February 19 minutes. She stated in addition, she made comments relative to the need for sidewalks on Western Boulevard between Gorman Street and Avent Ferry Road. She indicated the minutes state that the comments were received but she had requested that this item be referred to Intergovernmental Committee. Without objection, it was agreed that the sidewalk on Western Boulevard would be referred to Intergovernmental Committee. With those corrections, the minutes were approved as presented.

***ANNEXATION - STONEHENGE MARKETPLACE - REFERRED TO CITY CLERK

The City Clerk indicated she had received a petition for annexation of property known as Stonehenge Marketplace. She explained this covers approximately 19.84 acres and the petition was submitted by Development Associates, Inc. Mr. Keller moved that the City Clerk be directed to check the sufficiency of the petition and schedule a public hearing if found sufficient. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ADJOURNMENT

There being no further business, the meeting adjourned at 5:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

ayw/ccd

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, March 5, 1985, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Ms. Block - absent and excused

Mayor Upchurch called the meeting to order indicating Ms. Block had been excused from the night portion of the meeting. The following items were discussed with action taken as shown.

REQUESTS PETITIONS OF CITIZENS

***ENCROACHMENT/VARIANCE - 127 WEST HARGETT STREET - REFERRED TO THE PUBLIC WORKS COMMITTEE

Ron Allinger, representing Allinger's at 127 West Hargett Street, was at the meeting indicating he would like permission for the awning at that location to stay as it is presently erected. He indicated the building is listed as a historic building and when he decided to have the restaurant in this location, he contracted with Clark Art Shop to have the awning installed. He indicated it was put up at Clark Art Shop's instructions so as not to be in violation of the historic requirements. He indicated the City has told him he would have to move the awning up at least two feet. He stated to do this, you would have to drill holes in the facade and he is afraid he could not get permission as it relates to this historical aspect of the building. He indicated he feels that he needs the awning for his building to be successful.

City Manager Benton indicated the awning in question was installed prior to December without going through the normal permitting process. He indicated Administration would still urge and recommend that the awning be installed according to the City Standards, that is, mounted at a minimum height of 9 feet above the sidewalk, proper permits be obtained, materials conform to the North Carolina Building Code and that a proper encroachment permit be executed. Mr. Benton indicated he understood the problems but feels that we should follow standard procedure. Ms. Cates moved that the matter be referred to Public Works Committee. The motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PARKING SPACE - REQUEST FOR PERMANENT RESERVATION - DENIED

Ron Funari, representing McDonald's Restaurants, was at the meeting to ask the Council to issue a permanent parking permit for a space in front of the new McDonald's at 2420 Hillsborough Street. He indicated as part of this grand opening, in special honor of McDonald's 30 years in service, they plan to hold a sweepstakes and give away a 1955 restored Chevy Belair. He indicated they wanted the space in front of the McDonald's in order to display the car. He stated the dates they are requesting are between April 2, 1985 and April 13.

City Manager Benton indicated the City has consistently dealt with use of public right-of-way and the reservation of space. He indicated the Code does outline specific purposes for which public right-of-way can be reserved and this is not one of those uses. Therefore, Administration would recommend that the request not be granted as Administration would have concern that it would be a precedent setting action. Brief discussion took place on the type of events that our ordinance would allow the reservation of a parking space, with Mr. Walters pointing out we have had many requests like this previously and have denied them. Mayor Upchurch indicated he is afraid that granting such a request would be precedent setting, as many businesses around town would like similar consideration. Therefore, the item was removed from the Agenda with no action taken.

***STUDENTS FOR AMERICA - COMMENTS RECEIVED

Ralph Reid, 100 Crab Orchard Drive, was at the meeting representing Students for America. He indicated he was at the Council Meeting to talk about the issue of life and death, pointing out that Raleigh has had more abortions than live births in the last four years. He indicated at last count, only 14 cities had more abortions than live births. He indicated at the present time, there is no regulation concerning disposition of fetus or fetal parts. He pointed out there are two large dumpsters behind the Fleming Center and they are wondering if the fetus or the fetal parts are disposed of in this manner. He explained in July of '83, two young boys were caught throwing fetal parts in Milwaukee and said they were playing with little people. He indicated we cannot sit idly by and let something like this happen in Raleigh. He indicated they are proposing that the City of Raleigh follow suit to establish regulations concerning the disposal of fetus or fetal parts. He explained other jurisdictions who have adopted such regulations and pointed out the regulations have been upheld by the court. He indicated they are requesting that the City Council conduct an in depth investigation to determine the current methods of the disposal of

fetus or fetal parts and require that written records be kept regarding the disposal of same.

City Attorney McCormick indicated the cities, as a rule, do not regulate hospitals, that is handled through the State and County. He indicated they also regulate recordkeeping of hospitals. He pointed out that the City can regulate what is disposed of in our landfills. Mayor Upchurch suggested that this information be received and be forwarded to appropriate agencies. No other action was taken.

***COLLECTOR STREET - CHESTER ROAD - WITHDRAWN

Daniel Joyner had requested permission to address the Council concerning change in Chester Road from its present collector street status. It was pointed out that this item had been withdrawn from the Agenda.

***BROUGHTON FARM SUBDIVISION - CONCEPT OF PRIVATE PACKAGE PLANT - ADMINISTRATION TO DEVELOP AGREEMENTS AND BRING BACK TO COUNCIL

A representative from Commercial - Industrial Real Estate had requested to appear before the Council to discuss a unique situation involving the Broughton Farms Subdivision on U.S. #1 North. Mr. Benton pointed out there is a provision in the City's subdivision regulations which requires a user of public utilities to have both water and sewer available before a lot can be subdivided. In the case of this property, they have water and sewer available but not operative. He indicated Ed Bailey had suggested rather than having to temporarily enlarge the package plant, they prepaid acreage fees along with other land owners to facilitate the installation of the Perry Creek line. He indicated this would not be accomplished for two or three years. It was pointed out they cannot subdivide their lots for sale because they would have to depend on septic service for the interim until the Perry Creek installation is operative. City Manager Benton suggested a possibility would be to utilize the septic system until the sewer line is installed with the understanding that when the line is installed, they would convert to that system. He briefly explained and suggested that the City Council concur with the request and direct Administration to work up an agreement to come back to City Council. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

***UNSAFE BUILDING - 516 NORTH PERSON STREET - REPEALER ORDINANCE ADOPTED

Housing Inspections Supervisor Bartholomew indicated Ordinance 1984-433 declared property at 516 North Person Street unsafe. The property is in the name of Gladys Perry. He stated the property has been sold; therefore he would suggest that the ordinance be repealed. Mr. Walters moved the repealer ordinance, as recommended, be adopted. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-514

AN ORDINANCE REPEALING ORDINANCE NO. 1984-433 RELATING TO 516 NORTH PERSON STREET.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That 1984-433 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: 3/5/85

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNFIT BUILDINGS - 103 PARK AVENUE/106 ASHE AVENUE - WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the dwellings at 103 Park Avenue and 106 Ashe Avenue unfit and directing that they be placarded. Housing Inspections Supervisor Bartholomew requested that the item be withdrawn from the Agenda. Without objection, the item was withdrawn with no action taken.

***UNSAFE BUILDING - 607 HAYWOOD LANE - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the dwelling at 607 Haywood Lane unsafe and directing that it be demolished. The property is in the name of Mabel Smith. The Mayor opened the hearing. No one asked to be heard, thus the

hearing was closed. Mr. Keller moved adoption of the ordinance as recommended. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-512

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 607 HAYWOOD LANE IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Mable Smith	607 Haywood Lane

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective March 5, 1985.

Adopted: 3/5/85

***SIDEWALK INSTALLATION - WESTERN BOULEVARD - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of sidewalks on both sides of Western Boulevard from Gorman Street to Method (Kent) Road with assessment to apply. Chief Engineer Thomas explained the proposal. He pointed out; however, the City has had a long standing policy of not putting sidewalks on streets that do not have curbs nor gutters. He indicated in this particular situation, maybe we could install some type pedestrian walkway as Western Boulevard does not have curbs nor gutters and is a State system street. The Mayor opened the hearing to the public, no one asked to be heard, thus the hearing was closed. Mayor Upchurch indicated Chairperson Block had requested that this item be referred to Public Works Committee. Without objection, the item was so referred.

***FLOOD HAZARD BOUNDARY MAP - 1985-FP-1 - HEARING APPROVED

This was a hearing to consider an application to change the Flood Hazard Boundary Map in the City of Raleigh, more specifically Item 1985-FP-1 on the New Hope Tributary to Marsh Creek - by modifying the floodway boundaries and floodplain elevation. City Manager Benton explained the proposal. The Mayor opened the hearing to the public.

Milford P. Hill, a resident of Ingram Drive, indicated he lives in the Marsh Creek flood zone. He pointed out the builders in Mini-City have made money by the construction they are doing so they are classed as the winners, but the homeowners who keep getting flooded are classed as the losers. He suggested that the City of Raleigh call Salt Lake City, pointing out they have been hit with deep water in the center part of their City. He stated they now have the situation under control and he is afraid that something like this will happen in Raleigh. He asked the Council to refer this item to a committee to work on controlling flooding in our City.

Ms. Cates indicated the Marsh Creek Watershed is one that is being studied in the Stormwater Management Program. She questioned if that study would come up with different results and whether maybe a decision on this item should be postponed until the study is done. City Manager Benton indicated the Stormwater Management Study may provide different strategies. He indicated this amendment is based on a study by the Corps of Engineers which was requested by the City. He indicated this redefines the floodplain and does, in some case, increase the floodplain, but it does increase protection to the stream and adjacent property owners. He indicated this amendment, he feels, is a step in the right direction. Mr. Walters moved approval of the amendment as outlined. His motion was seconded by Ms. Babb, and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985 - 513

AN ORDINANCE TO AMEND THE RALEIGH CITY CODE RELATING TO MODIFYING FLOODPLAIN AREAS, BOUNDARIES, AND ELEVATIONS IN THE CITY OF RALEIGH AND ITS EXTRATERRITORIAL JURISDICTIONAL AREA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10-4003 of the Raleigh City Code, which includes the official flood hazard boundary maps and other official data tables, be and the same is hereby amended as follows:

Item 1985-FP-1 - On the New Hope tributary to March Creek, modify floodway boundary and floodplain elevations from the New Hope tributary's confluence with Marsh Creek to a point approximately 9,500 feet upstream at the Calvary Drive Impoundment Dam in accordance with maps and technical data presented at the meeting and on file in the Floodplain Engineer's Office of the Raleigh Municipal Building.

Section 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall not become effective until a letter stating approval from the Federal Insurance Administrator is received by the City of Raleigh.

Adopted: 3/5/85

***DOWNTOWN HOUSING - PROPOSAL FROM NCNB COMMUNITY DEVELOPMENT CORPORATION - HEARING - REFERRED TO THE DOWNTOWN COMMITTEE

This was a hearing to receive citizens' comments and receive presentations from developers offering counter-proposals to the NCNB Community Development Corporation's proposal concerning a housing program for the Downtown East and Thompson/Hunter School redevelopment areas.

Community Development Director Prosser gave a brief history of the City's involvement in Downtown Redevelopment and the proposed program.

Dennis Rash, representing NCNBCD, indicated the plans continue to be moving ahead of pace. He stated NCNB has consummated the first closing of property and, in his opinion, that is a big degree of fiscal commitment. He explained this is property that is an existing parking lot. He explained NCNB continues to meet with neighborhood groups both large and small, pointing out it is important to NCNB that this project not be one that is just the wish of the City Council and the City Administration, but one that is the wish of the neighborhood. He indicated throughout the meetings he has been attending, two comments keep coming up. One is the need for a business relocation policy and he feels that is an important step the City Council needs to take. He explained they also hear concern about what would be done for the elderly resident in the area who may have limited capacity to participate in the program. He briefly explained the affordable housing component of their program, pointing out the time frame they envision would have several phases and the first development phase would be on property that is presently being used as parking lots. He explained the profit from those would be used to fund affordable housing; therefore, they would be building a considerable amount of time prior to any displacement occurring. He explained they do not have an actual plan for the residential area pointing out many of the houses in the area are or may be in rehabilitable condition so they need to work with the existing structures, that is, get an inventory of the existing stock and determine what can be rehabilitated, explaining that would take pretty much all summer. He explained it is important for NCNB to have an opportunity to work very closely and carefully with the residents and know who lives there, ages, number of people, health problems, income levels, etc., so that they can work more closely with the people and their special problems and/or needs. He pointed out until that is done, they do not feel that they should try to master plan these particular blocks. He explained the CAC will be a very important component in helping NCNB with their work. He stated at this point, they hope in late May or early June a housing charrette to be sponsored by NCSU and NCNB will be conducted to come up with affordable housing. He stated he has pledged this to the neighborhood residents and to the City Council. He explained they are very excited about this project and look forward to the day they can get it underway.

Community Development Director Prosser indicated after the initial presentation, an advertisement was placed in the paper for counter-proposals for master developer and no counter-proposals have been received. The Mayor opened the hearings to the public.

Mayor Upchurch read a letter supporting NCNB's proposal on Downtown Housing from former Mayor Smedes York. See attachment 1.

Brenda Williams, Ralph Campbell, Jr., Geoff Simmons, and Pauline Frazier, representing the Raleigh/Wake Citizens Association, spoke in support of the proposal. See attachments 2, 3, 4 and 5. Approximately 125 people stood in support of the remarks made by RWCA.

John P. Green, 802 South East Street, Chairman of the Central CAC, indicated they endorsed the presentations that have been made by RWCA. He indicated last year, they came before the Council pointing out there were 7,200 people on the waiting list for some type subsidized housing. He indicated we are now talking about the relocation of some 800 more people and he is asking that these people not be relocated until housing is available. He stated he understood that there are no funds forthcoming until those first houses are built and the affordable housing will be built from the sale of the first houses and that seems to be way down the line. He questioned when and how long it take for profit to be realized from these new houses. He pointed out the Feds are cutting back revenue sharing and there is little or no money coming down for public housing. Therefore, he questioned where we are getting funds for these houses.

Thomas Conway, representing the South Central CAC, indicated it is difficult to be objective about a proposal when you are talking about your own neighborhood. He stated everyone has tried to look at this project from a standpoint of what is best for the City of Raleigh. He stated the absence of timely and appropriate information leads people to wonder what is going on. He stated he was glad to hear that Mr. Rash is hearing what the people are saying. He stated they are supporting the plans and are offering their assistance.

Reverend James W. Adams, 547½ East Hargett Street, spoke on his involvement in the City of Raleigh and talked about a project he is working on to help get rid of the waste in the City of Raleigh. He stated he was concerned with the growth and development of Raleigh and spoke of his project. Mayor Upchurch asked Mr. Adams to meet with him to discuss this project at another time.

Pat Nedwidek, President of the League of Women Voters of Wake County, spoke in support of action to provide an adequate supply of housing. See attachment 6.

J. K. Sherron, indicated he is representing property owners and is a property owner in the Southeastern section of Raleigh. Mr. Sherron endorsed the comments made by RWCA. He commended the Council for the swift and concise manner in which they are proceeding with the project. He pointed out he wished there had been other proposals so that they could be evaluated against NCNB's proposal. He urged that all efforts be made to give opportunity to include local craftsmen, contractors, etc. He hoped that we would not bring in outside contractors who would bring their people as he hoped local developers and contractors would be included. He stated the sensitivity for the people who reside in the area must be considered and is a critical element. He endorsed Mr. Rash's comments relative to the need for extensive interviewing of the people who live in this area, pointing out the people who are directly involved must continue to be involved for this program to be successful.

Marjorie Debnam, 1615 East Davie Street, complimented NCNB for their proposal. She indicated she owns property at 524 South Blount Street and is a homeowner in the area. She stated she had hoped to have an opportunity to have her questions about her property on Blount Street cleared. She stated it is her hope that the businesses and the people in the area will get speedier responses to their questions about the program. She endorsed RWCA's comments particularly those about including minorities. She indicated, in her opinion, the plan could be strengthened if the boundary lines could be extended to the gates of Shaw University. She expressed concern about the proposed Residential-30 zoning, pointing out the only other Residential-30 zoning she remembered in Raleigh was Southside and she does not want us to go back to that concept, as she feels Residential-20 would be a better zoning. She urged the Council not to recreate crowded living conditions and called on everyone to work together. She also expressed hope that there would be business relocation funds and again asked that the residents get speedier responses to their questions.

John W. Winters, 507 East Martin Street, indicated they welcome a giant financial organization such as this to come in and assist, but pointed out everyone wanted it done with parity and fairness for the people who will be displaced or relocated. He indicated there are many elderly people who live in the area and when the plan was first presented, they began to fear and worry what would happen to them. He indicated he had explained to these people that he felt that this is a fair and equitable Council and he just wanted to urge the Council to be very sensitive to the needs of the people in the area.

J. D. Lewis indicated he just wants to make sure that the people get a fair shake in this situation and everyone wants to make sure that we don't have a recreation of the Southside incident. He stated people have to be included in the planning and explained that this area of Raleigh does have blighted aspects that need to be corrected but fairness to the people involved is paramount.

Bernadine Weddington, representing RCAC, indicated everyone is very supportive of this project. She stated, however, we have so many plans in the downtown area that we need to do something to pull all of these plans together. She pointed out RCAC had supported the proposal for the National Main Street and she felt that that would go a long way in helping pull the plans together but called on the Council to do something to insure that even if the National Main Street Grant is not received, the plans will be cordinated.

No one else asked to be heard, thus the Mayor ruled the hearing closed. Mr. Calloway commended the 3 CAC's and the individual residents of the area and RWCA for the

amount of time and the network they have put together to get the information out on the opportunities of this project as well as the problems it offers. By general consensus, the matter was referred to the Downtown Committee.

***COMMUNITY DEVELOPMENT - PROPOSED 85-86 BUDGET AND ACTIVITIES - HEARING - COMMENTS RECEIVED

This was a hearing, pursuant to Federal guidelines, for the purpose of receiving input from citizens on the 1985-86 proposed Community Development budget and activities. Community Development Director Prosser indicated this is the first of two hearings on the CD budget. He indicated we have not received our proposed allocation for 85-86. Mr. Prosser went through the range of activities that CD monies have historically been used for. He explained the concentrated targeted area and proposed Public Works projects. The hearing was opened to the public.

John P. Green, 802 South East Street, indicated the South Park Plan was started in 1980 and was to be completed in December, 1985. He stated as of today, the South Park Plan isn't 1/10 completed. He stated the only tangible thing they can see is the acquisition of land, mini-parks, a couple duplexes and a couple of single family houses and the public works activities which include curb and gutter, street improvements, etc. He indicated the people in their area fear that their plan will never be completed. He indicated in this budget year, they were promised some tree planting and sidewalk activities that have not started as of yet.

Tim Jordan, representing Gethsemane Rainbow Partnership presented a fact sheet on their program. He indicated they had asked for $15,000 of funds from revenue sharing and he is at the meeting tonight to ask for $25,000 from Community Development funds for their program.

Lillian Freeman, 318 South Tarboro Road, was at the meeting speaking in support of funds for the Golden Oaks Senior Citizen Club. She indicated she had asked for money at the revenue sharing public hearing and she is at this meeting to request that the Council not forget them. She stated the Council and staff has information on their request, pointing out their budget request for next year is $19,663.

John Chenault, representing Meals on Wheels, told of the work of that program, indicating they are asking for $16,770 to help feed 30 additional people in the CD program. He indicated part of the revenue sharing funds that have been given to the program by the City have been used to subsidized people in the CD area. He indicated there are number of people who meet all the guidelines and they just need additional funds to support them.

Pat Nedwidek, President of the League of Women Voters of Wake County, indicated they support action to provide an adequate supply of housing for low and moderate income households in viable communities in Wake County. They requested that the City of Raleigh continue to spend Community Development Block Grant funds on housing. She stated they are concerned about the proportion of the Community Development budget proposed for housing, pointing out in reviewing past budgets, as well as the proposed program activity for fiscal year 85-86, the amount allocated for housing appears to be declining. She stated they recognized the problems of budget making while facing potential Federal budget cuts. A significant amount of money, however, should be allocated specifically for meeting the needs of the low income citizens. She stated they recognize the importance of social service activities in the Community Development Redevelopment areas and would urge the Council to maintain the level of funding for social service agencies to carry out their necessary activity in those areas.

Mary Jo Littlewood, representing Homemaker/Home Health Aid, indicated they are requesting $35,119 in the FY85-86 budget. She stated that would enable them to serve between 35 to 40 additional people.

Thomas Conway, 201 Bladen Street, indicated he lives in the CD area that is a targeted concentrated area. He indicated those people who own their homes in this area feel the best way to stabilize the area is to increase home ownership. He indicated in his opinion, this is an excellent opportunity to involve some of the local contractors who have a record of building quality construction in that area.

Dave Mallette questioned how much of the CD funds are proposed for the Downtown Plan, how the actions here are going to parallel with the NCNB proposal, pointing out there needs to be a coordinated effort.

Marjorie Debnam, 1615 East Davie Street, indicated she endorses the CD activities but questioned when the paving on Davie Street will take place, indicating that needs to be addressed post haste.

No one else asked to be heard, thus the hearing was closed and the comments referred to Administration.

***WATER ASSESSMENT ROLL 986 - U.S. #1 NORTH - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

A hearing to consider adoption of a resolution to correct Water Assessment Roll 986 which was adopted by Resolution 1982-82 on November 2, 1982. This resolution relates to the installation of a water line on U.S. 1 North. The proposed resolution will

subdivide Lot #4, according to the assessment roll into four parcels as the property has been subdivided and the new owner requests that the assessments be apportioned against each separate parcel. A copy of the proposed resolution was included in the Agenda packet. Chief Engineer Thomas explained the proposed correction. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of the correcting resolution as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 743

A RESOLUTION TO CORRECT WATER ASSESSMENT ON U.S. NO. 1 NORTH

WHEREAS, by Resolution No. 1982-82 adopted 11-2-82, effective 12-31-83 the City Council confirmed assessment Roll No. 986 as set forth in Resolution No. 1982-43 and assessed property as follows:

OWNER	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	ASSESSMENT
Alexander Welding and Manufacturing Company	4	0001111	781.83	$7,865.21

AND WHEREAS, the assessment charged against the property should be amended because the property has been subdivided into four (4) parcels, and the new property owners request the assessment be apportioned against each separate parcel.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in G. S. 160-A 228.

LOT NO.	I.D. NO.	PROPERTY LOT. NO.	SUB'D FRONTAGE	ASSESSMENT	OWNER
North Blvd. Development Group	4	0131738	4	102.06	$1,026.72
North Blvd. Development Group	4A	0131738	3	100.00	$1,006.00
North Blvd. Development Group	4B	0131738	2	100.00	$1,006.00
Charlie Wiygil & Wife Vera A.	4C	0001111	1	479.77	$4,826.49

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of original confirmation or from the last payment, which ever was last.

Adopted: 3/5/85

***ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Gail G. Smith
City Clerk

ayw/ccn